



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***NOVEMBER 15, 2004
2:00 P.M.***

***CITY COUNCIL CHAMBER
AGENDA***

1. Call to Order--Roll Call.

The Invocation will be delivered by Vice-Mayor Beverly T. Fitzpatrick, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Today's Council meeting will be replayed on Channel 3 on Thursday, November 18, 2004, at 7:00 p.m., and Saturday, November 20, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

A Resolution memorializing the late Charles R. Hill, former Mayor of the Town of Vinton.

R 10

Proclamation declaring December 4, 2004 as Alpha Phi Alpha Fraternity 98th Founder's Day.

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3.

CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meetings of Council held on Monday, September 20, 2004, and Thursday, October 7, 2004, which was recessed until Wednesday, October 13, 2004.

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RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

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RECOMMENDED ACTION: Concur in the request.

- C-3 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

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RECOMMENDED ACTION: Concur in the request.

- C-4 A communication from the City Manager requesting that Council schedule a public hearing for Monday, December 6, 2004, at 2:00 p.m., or as soon thereafter as the matter may be heard, to authorize encroachment of an awning into the public right-of-way at 105 Wall Street, S. E.

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RECOMMENDED ACTION: Concur in the request.

C-5 Qualification of the following persons:

Charles E. Hunter, III, as a Director of the Industrial Development Authority, for a term ending October 20, 2008;

Terri R. Jones as a member of the Roanoke Arts Commission,
for a term ending June 30, 2007;

Mornique E. Smith as a Commissioner of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2008; and

Gregory W. Staples as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2007.

RECOMMENDED ACTION: Receive and file.

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS: NONE.

6. REPORTS OF OFFICERS:

a. CITY MANAGER:

BRIEFINGS:

Farmers Market – 10 Minutes

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City Market Building – 45 Minutes

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ITEMS RECOMMENDED FOR ACTION:

1. Execution of a deed concurring in the conveyance of property owned by SEMCO Inc. of Virginia to SEMCO Duct and Acoustical Products, Inc., located at the Roanoke Centre for Industry and Technology.

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2. Approval of the terms of a Performance Agreement with IMD Investment Group, LLC, in connection with development of property located at the northwest corner of Franklin Road and Wonju Street, S. W.

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7. REPORTS OF COMMITTEES:

- a. Presentation of the proposed 2005 Legislative Program. Vice-Mayor Beverly T. Fitzpatrick Jr., Chair.
- b. Presentation of the Roanoke Neighborhood Advocates 2003-2004 Annual State of the Neighborhoods Report. Sandra B. Kelly, Vice-Chair, Spokesperson.
- c. Request of the Roanoke City School Board for appropriation and transfer of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.
- d. Request of the Roanoke City School Board for authorization by Council to issue general obligation qualified zone academy bonds, in an aggregate principal amount not to exceed \$1,600,000.00, for financing a portion of the cost to repair, rehabilitate or equip Fallon Park Elementary School. Kenneth F. Mundy, Executive Director of Fiscal Services, Spokesperson.

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B/O 133

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R 137

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

12. CITY MANAGER COMMENTS:

CERTIFICATION OF CLOSED SESSION.

THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***NOVEMBER 15, 2004
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call.

The Invocation will be delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Harris.

Welcome. Mayor Harris.

NOTICE:

The Council meeting will be televised live on RVTV Channel 3 to be replayed on Thursday, November 18, 2004, at 7:00 p.m., and Saturday, November 20, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

A. PUBLIC HEARINGS:

1. Request of Preston A. Waldrop that property located at 3830 Keagy Road, S. W., identified as Official Tax No. 5130117, be rezoned from RS-1, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner. Daniel F. Layman, Jr., Attorney.
2. Proposal to adjust the aggregate amount of the Fiscal Year 2004-2005 Technology Fund Budget, in an amount not to exceed \$716,270.00, in connection with appropriation of funds for the Capital Maintenance and Equipment Replacement Program for Technology. Darlene L. Burcham, City Manager.

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P 158; B/O 161

B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

**MOTION AND CERTIFICATION
WITH RESPECT TO
CLOSED MEETING**

FORM OF MOTION:

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

PLEASE NOTE:

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.

WPH

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION memorializing the late Charles Ray Hill, Sr., a former Town Councilman and Mayor of the Town of Vinton.

WHEREAS, the members of Council learned with sorrow of the passing of Mr. Hill on November 8, 2004;

WHEREAS, Mr. Hill was a graduate of Jefferson Senior High School and served with the 322nd Signal Battalion, V Corps, U. S. Army, Frankfurt, Germany;

WHEREAS, Mr. Hill worked for Colonial American National Bank for 39 years, and retired as Regional Branch Administrator;

WHEREAS, Mr. Hill was a member of the Vinton Host Lions Club for 29 years, and served for one term as president and 10 years as treasurer;

WHEREAS, Mr. Hill served on the Fifth District Planning Commission, 15 years on the Executive Committee with one term as chairman; on the Board of Virginia Recreational Facilities Authority; the Board of Regional Partnership; the Board of the Vinton Chamber of Commerce, including a term as President; and the Board of the Dogwood Festival, including one term as president;

WHEREAS, Mr. Hill was one of the founders of the Vinton Christmas Parade;

WHEREAS, Mr. Hill was a member of the Grand Squares Dance Club and the Thrasher Dancers;

WHEREAS, Mr. Hill was a member of Thrasher Memorial United Methodist Church, where he was a member of the finance committee and treasurer for 10 years, and member and president of the Pedigo Bible Class;

WHEREAS, Mr. Hill served four years as Town Councilman and 20 years as Mayor of the Town of Vinton.

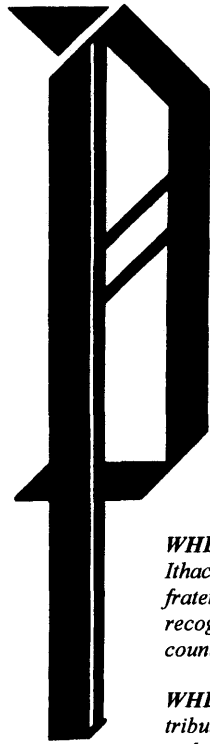
THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. City Council adopts this resolution as a means of recording its deepest regret and sorrow at the passing of Charles Ray Hill, Sr., and extends to his family its sincerest condolences.

2. The City Clerk is directed to forward an attested copy of this resolution to Mr. Hill's wife, Ellen Gross Hill, of Vinton, Virginia.

ATTEST:

City Clerk



Office of the Mayor

CITY OF



ROANOKE

Proclamation

WHEREAS, Alpha Phi Alpha Fraternity was founded in 1906 at Cornell University in Ithaca, New York; Alpha Phi Alpha Fraternity was the first intercollegiate Greek-letter fraternity established 98 years ago for African-Americans by seven college men who recognized the need for a strong bond of brotherhood among African descendants in this country; and

WHEREAS, the following four Alpha Phi Alpha Fraternity members have received tribute stamps from the United States Postal Service for their contributions to the country in leadership, civil rights, activism, performing arts, and jurisprudence: Martin Luther King, Jr., W.E.B. DuBois, Whitney M. Young and Thurgood Marshall; and

WHEREAS, Alpha Kappa Lambda Chapter Alpha Phi Alpha Fraternity was chartered in the City of Roanoke in 1928 with members from the Roanoke Valley and the New River Valley; the Chapter has demonstrated community leadership in the Roanoke Valley for over 70 years and is noted for its contributions in the fields of medicine, education, public service, business and religion; past and present members of the Chapter include Noel C. Taylor, John H. Powell, Judge E. David Cheek, George E. Wilson, Courtney Penn, The Reverend Kenneth B. Wright, and Randy E. Donaldson; and

WHEREAS, Alpha Kappa Lambda Chapter, Alpha Phi Alpha Fraternity is composed of approximately 50 members under the leadership of Christopher Medley, Chapter President; Chapter activities include Project Alpha "a male responsibility" program in partnership with the March of Dimes, Total Action Against Poverty "Fatherhood Initiative", "Go to High School - Go to College" which encourages students to stay in school and to pursue post secondary education, Big Brothers Big Sisters Program, Annual High School Scholarship Award, and March of Dimes - Walk America.

WHEREAS, Alpha Kappa Lambda Chapter, Alpha Phi Alpha Fraternity, Incorporated, will observe its 98th Founder's Day Weekend Celebration in the City of Roanoke on December 4 - 5, 2004.

NOW, THEREFORE, I, C. Nelson Harris, Mayor of the City of Roanoke, Virginia, in recognition of a commitment to manly deeds, scholarship and love for all mankind through education, leadership and community service, do hereby proclaim Saturday, December 4, 2004, throughout this great All-America City, as

ALPHA PHI ALPHA FRATERNITY 98th FOUNDER'S DAY.

Given under our hands and the Seal of the City of Roanoke this fifteenth day of November in the year two thousand and four.

ATTEST:

Mary F. Parker
City Clerk



C. Nelson Harris
Mayor

REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL

September 20, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, September 20, 2004, at 2:00 p. m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor C. Nelson Harris presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36762-070604 adopted by Council on Tuesday July 6, 2004.

PRESENT: Council Members M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson Harris -----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by The Reverend Adrian Dowell, Pastor, Shiloh Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT: The Mayor advised that earlier this year, three employees of WDBJ Television traveled to the western Ukraine to participate in an exchange program with the radio and television company, Vezha. He explained that the Ukraine Media Partnership Program is funded by the United States State Department and coordinated by the International Research and Exchange Board to promote the development of independent media.

On behalf of the Members of Council, the Mayor welcomed a delegation from Ivano-Frankivsk who will be visiting the Roanoke area for two weeks as a part of the exchange program.

The Mayor presented Honorary Citizen Certificates to Larysa Freyishyn, Anzhelika Demyanova and Olena Tretyak and an iris tile, which is the official flower of the City of Roanoke. He presented the interpreters with a City coaster etched with the City of Roanoke's new branding logo.

ACTS OF ACKNOWLEDGEMENT-SISTER CITIES: Dr. Robert Roth, Chair, Roanoke Sister Cities, presented an archive of information relative to the Sister Cities Program, including files, newsletters, etc., which represent a comprehensive report on activities of the organization dating back to 1968. He advised that one copy of the information will be filed with the Executive Director of Roanoke Sister Cities and one copy will be presented to the City of Roanoke for display at the City's Main Library.

ACTS OF ACKNOWLEDGEMENT-VIRGINIA AMATEUR SPORTS/COMMONWEALTH GAMES-SPORTS ACTIVITIES: Peter Lampman, President, Virginia Amateur Sports, Inc., expressed appreciation for the City of Roanoke's support of the Virginia Commonwealth Games which were held in the City of Roanoke on July 16-18, 2004, and represents the 15th anniversary of the Commonwealth Games. He reviewed the economic impact of the Commonwealth Games on the Roanoke Valley; i.e.: 75 per cent of all athletes were under the age of 18, 11 per cent were from the Richmond area, 12 per cent from northern Virginia, 13 per cent from the Lynchburg area, 36 per cent from eastern Virginia, and 26 per cent from the Roanoke Valley. He stated that the average length of stay for athletes was 2.36 days, daily expenditures based on figures provided by the Roanoke Valley Convention and Visitors Bureau is estimated at \$150.00 per person, totaling approximately \$4.2 million, and local sales tax based on 4.5 per cent is approximately \$192,000.00, excluding restaurant, food and beverage taxes.

Mr. Lampman presented a plaque in appreciation of the support of the City of Roanoke and Virginia Commonwealth Games t-shirts to the Members of Council.

PROCLAMATIONS-ACTS OF ACKNOWLEDGEMENT: The Mayor presented a proclamation to Mr. Stuart Harris, President, Greater Roanoke Valley Character Coalition, declaring the month of October 2004, as Building Character Month.

The Building Character Month proclamation was issued jointly by the City of Roanoke, Roanoke County, the City of Salem, the Town of Vinton and Franklin County.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately. He called specific attention to four requests for Closed Session.

COMMITTEES-CITY COUNCIL: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, and to interview applicants for one vacancy on the Architectural Review Board, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL-CITIZEN OF THE YEAR: A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss the Citizen of the Year Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

CITY PROPERTY: A communication from the City Manager requesting that Council schedule a public hearing for Monday October 18, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposed agreement with Colonial Partners, L.L.C., in connection with development of approximately 23-acres of City owned property located on Colonial Avenue, S. W., was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

(The public hearing was later rescheduled to Monday, November 15, 2004 at 7:00 p.m., or as soon thereafter as the matter may be heard in the City Council Chamber.)

OATHS OF OFFICE-COMMITTEES-HOUSING/AUTHORITY-ROANOKE ARTS COMMISSION-COURT COMMUNITY CORRECTIONS BOARD-VIRGINIA ALCOHOL SAFETY ACTION PROGRAM-TOWING ADVISORY BOARD: A report of the City Clerk advising of the qualification of the following persons, was before Council.

A. L. Gaskins as a member of the Regional Virginia Alcohol Safety Action Program Policy Board for a term ending June 30, 2006;

A. L. Gaskins as a member of the Court Community Corrections Program Regional Community Criminal Justice Board for a term ending June 30, 2007;

Charles R. Brown as a member of the Towing Advisory Board for a term ending June 30, 2007;

Frank W. Feather as a member of the Fair Housing Board for a term ending March 31, 2007; and

Kristi Pedelty as a member of the Roanoke Arts Commission for a term ending June 30, 2007.

Mr. Fitzpatrick moved that the reports of qualification be received and filed. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

CITY COUNCIL-ECONOMIC DEVELOPMENT: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss a prospective business where no previous announcement of the interest of the business in locating its facilities in the City of Roanoke has been made, pursuant to Section 2.2-3711 (A)(5), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager to convene in a Closed Meeting as above described. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

COMMITTEES-RAIL SERVICE: Former Mayor David A. Bowers advised that with the announcement by the Governor of a change in State policy, a change in policy by Norfolk Southern, and a willingness to consider bringing passenger rail service back to Roanoke, the Passenger Rail Service Committee, which was appointed by Council to represent the City of Roanoke on matters involving passenger rail service, requests consideration by Council in connection with reactivating the Passenger Rail Service Committee.

He stated that the City of Roanoke is a railroad town; Roanoke's citizens want passenger rail service; in the 1990's, there was an effort to bring AMTRAK to Roanoke, but a change in Congressional funding ended the prospect; therefore, members of the Passenger Rail Study Committee were pleased with the announcement by the Governor that the Commonwealth of Virginia is now interested in pursuing the issue with Norfolk Southern of having what is referred to as service railroad come into Roanoke. He compared service railroad to the lines of the Virginia Railway Express from the Washington area to Fredericksburg, Virginia, or the North Carolina railroad which is operated by the State of North Carolina along Norfolk Southern lines, or the Mark system which is an intercity or interurban railroad in the State of Maryland. He requested that the City of Roanoke assume its role in a decision that will be made by Norfolk Southern based on marketing and business concerns and by the Commonwealth of Virginia based on budget concerns, by promoting Roanoke as a site for a passenger rail service station.

Council Member Wishneff suggested that Mayor Bowers' request be held in abeyance until following a meeting of the Roanoke Valley Leadership Summit which will be held on Friday, September 24, 2004, at 12:00 p.m., in Bedford Virginia, at which time representatives of Norfolk Southern Corporation will address intermodal transportation issues and the position of Norfolk Southern regarding passenger rail service for the Roanoke Valley.

Vice-Mayor Fitzpatrick concurred in the remarks of Mayor Bowers that the City of Roanoke should be prepared to make the necessary commitments as a community so that if the prospect presents itself, Roanoke will be ready to respond. He stated that Council will review the request to determine if there is a need for a new committee, or if the current composition of the Passenger Rail Service Committee is satisfactory. He expressed appreciation to Mayor Bowers for calling the matter to the Council's attention; however, he cautioned that there should not be a duplication of efforts by the Passenger Rail Service Committee and the TransDominion Express.

Council Member Cutler referred to the feasibility of a regional approach to return passenger rail service to Roanoke which would be similar to previous actions to attract a low fare air carrier to the community by involving persons from the private sector and from other local governments. He stated that he is encouraged by the willingness of Norfolk Southern to consider public funding for its Heartland Corridor line east to west, to use public funds to enlarge the tunnels in West Virginia to bring freight from Norfolk, Virginia, to Columbus, Ohio; a partnership between public funding and Norfolk Southern could potentially lead to an improvement of the north-south rail line along the Shenandoah Valley to remove freight from I-81; and it is hoped that the entire partnership attitude will include the return of passenger rail service to the Roanoke Valley.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFING: See page .

ITEMS RECOMMENDED FOR ACTION:

BUDGET-GRANTS-YOUTH: The City Manager submitted a communication advising that the City of Roanoke has been selected as a grantee for the third year of a three-year funding cycle for the Runaway and Homeless Youth Program under provisions of the Runaway and Homeless Youth Act; the amount of the grant is \$12,675.00 annually, which funds will be used to cover the salaries and fringe benefits of a Youth Counselor III, a Youth Counselor II, a Relief Counselor and related program activities in the Sanctuary Outreach program; and the required local match is offered as in-kind services.

It was further advised that the U. S. Department of Health and Human Services awards grants for services in three year cycles; the project period for the grant commenced on September 30, 2002, and will end on September 29, 2005; focus of the program is to alleviate the problems of runaway and homeless youth and their families, strengthen family relationships and encourage stable living conditions; early intervention of Sanctuary Outreach staff in a combination of shelter based and home based services offers runaway and homeless youth and their families supportive services that will decrease the incidence of repeat runaway episodes; and program services include: 24-hour intake and referral access, temporary shelter, individual, group and family counseling, community services linkages, after care services, case disposition and recreation opportunities.

The City Manager recommended that Council adopt a measure accepting \$126,675.00 in 2004-2005 funding from the U. S. Department of Health and Human Services, Grant No. 03CY0433/3, for Sanctuary's Runaway and Homeless Youth Outreach program; authorize the City Manager to execute other forms required by the Department of Health and Human Services, to be approved as to form by the City Attorney; and appropriate \$126,675.00 in Federal funds to expenditure accounts in the Grant Fund in certain accounts to be established by the Director of Finance and adopt a revenue estimate in the same amount in the Grant Fund.

Mr. Dowe offered the following ordinance:

(#36845-092004) AN ORDINANCE to appropriate funds for the Runaway and Homeless Youth Act Program, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 112.)

Mr. Dowe moved the adoption of Ordinance No. 36845-092004. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

Mr. Cutler offered the following resolution:

(#36846-092004) A RESOLUTION authorizing the acceptance of a grant from the United States Department of Health and Human Services to be used for salary and fringe benefits of counselors and related activities in the Sanctuary Outreach Program; and authorizing the execution of the necessary documents.

(For full text of resolution, see Resolution Book No. 69, Page 113.)

Mr. Cutler moved the adoption of Resolution No. 36846-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

Council Member Lea inquired as to the number of homeless youth in the City of Roanoke and in the Roanoke Valley; whereupon, the City Manager advised that she would respond to the question later in the Council meeting.

BUDGET-HUMAN DEVELOPMENT-GRANTS: The City Manager submitted a communication advising that the Virginia Department of Social Services issued a Request for Proposals to use Federal funds to provide job search, coaching, and job retention services for hard-to-serve TANF recipients; the City of Roanoke Department of Social Services responded with a proposal outlining its intent to work collaboratively with TAP - This Valley Works, to provide work-related services; under the proposal, eligible TANF recipients who must obtain employment, but who have not been in compliance with certain regulatory requirements, are provided with customized job search assistance; case managers work with individuals to develop and initiate an individualized plan of action to meet compliance requirements and to assist in securing and maintaining employment; the project began in 2001 and is now in its fourth year; and the City of Roanoke was awarded \$76,400.00 in grant funding under the TANF Hard-to-Serve Project for a portion of the State's fiscal year 2005 (May 1, 2004 through November 30, 2004).

The City Manager recommended that Council appropriate funds, in the amount of \$76,400.00, and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund.

Mr. Dowe offered the following ordinance:

(#36847-092004) AN ORDINANCE to appropriate funding for the Temporary Assistance For the Needy Families Hard-To-Serve Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 114.)

Mr. Dowe moved the adoption of Ordinance No. 36847-092004. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution.

(#36848-092004) A RESOLUTION authorizing acceptance of a grant award under the Temporary Assistance for Needy Families (TANF) Hard-to-Serve Project from the Virginia Department of Social Services, for the purpose of providing job search, job coaching and job retention services for eligible TANF recipients who must obtain employment, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant.

(For full text of resolution, see Resolution Book No. 69, Page 115.)

Mr. Dowe moved the adoption of Resolution No. 36848-092004. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

BUDGET-HUMAN DEVELOPMENT-GRANTS: The City Manager submitted a communication advising that the Virginia Department of Social Services has allocated funds from the Federal TANF Grant to eligible State community-based services; funds must be used for the purpose of job retention and wage advancement of TANF recipients, or for former TANF recipients, in the period of ineligibility; and in 2003, the City of Roanoke implemented a collaborative project with Botetourt, Craig, Franklin, and Roanoke Counties, known as MedVIEW.

It was further advised that for fiscal year 2005, allocation for the project is \$68,057.00 which must be expended by November 30, 2004; monies will be used to fund a contractual agreement with Goodwill Industries of the Valleys for delivery of medical assessment services and job development services for hard-to-employ recipients of TANF benefits; and the contract provides for up to four one-year extensions.

The City Manager recommended that Council appropriate funds for job retention and wage advancement, totaling \$68,057.00, and establish a revenue estimate of \$68,057.00 in an account to be established by the Director of Finance in the Grant Fund.

Mr. Dowe offered the following ordinance:

(#36849-092004) AN ORDINANCE to appropriate funding for the Temporary Assistance For Needy Families Grant for job retention and wage advancement, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 115.)

Mr. Dowe moved the adoption of Ordinance No. 36849-092004. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36850-092004) A RESOLUTION authorizing acceptance of a grant award from the Federal Temporary Assistance for Needy Families (TANF) funding allocated by the Virginia Department of Social Services in the amount of \$68,057.00 for the purpose of providing job retention and wage advancement of TANF recipients or for former TANF recipients in the period of ineligibility, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant.

(For full text of resolution, see Resolution Book No. 69, Page 116.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36850-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff
and Mayor Harris -----7.

NAYS: None-----0.

BUDGET-GRANTS-LIBRARIES: The City Manager submitted a communication advising that in 2001, the City of Roanoke public library system received a grant from the Bill and Melinda Gates Foundation to purchase computers for public use; the computers, located at the Main Library, Melrose, Gainsboro, Jackson Park and Roanoke Law Library branch locations, were equipped with the latest educational and research software and enhanced the library system's ability to foster computer-literacy among Roanoke citizens; in July 2004, the Bill and Melinda Gates Foundation provided funding to the Library of Virginia to begin the *Staying Connected* Grant Program, which funding, combined with Library Services and Construction Act grant funds, is available to Virginia public libraries that were eligible and chosen to participate in the Bill and Melinda Gates U. S. Library Program in 2001; the Roanoke Public Library system was notified that it is eligible for a new grant of \$13,850.00 to purchase ten new public computer work stations; the additional public workstations will be installed in the Main Library, Roanoke Law Library, Melrose, Gainsboro and Jackson Park Branches; and the new computers will enable the public library system to expand customer access to on-line educational and research information.

The City Manager recommended that Council accept the *Staying Connected* grant, in the amount of \$13,850.00, and that she be authorized to execute an agreement with the Library of Virginia and any other forms that might be necessary to accept said grant, with all documents to be approved as to form by the City Attorney; and appropriate \$13,850.00 in grant funds to Account No. 035-650-9752-9015 to be established in the Grant Fund by the Director of Finance and establish a corresponding revenue estimate in the Grant Fund.

Mr. Cutler offered the following ordinance:

(#36851-092004) AN ORDINANCE to appropriate funding for the Staying Connected Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 116.)

Mr. Cutler moved the adoption of Ordinance No. 36851-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

Council Member Cutler suggested that Randall Funding and Development, Incorporated, the City's grant consultant, inquire as to the feasibility of acquiring grant monies from the Bill and Melinda Gates Foundation to be used as a source of funding for construction of the City's new main library.

Mr. Fitzpatrick offered the following resolution:

(#36852-092004) A RESOLUTION authorizing the acceptance of the Staying Connected Grant from the Bill and Melinda Gates Foundation in the amount of \$13,850 to purchase ten new public computer work stations for the Roanoke Public Library System; and authorizing the execution of the necessary documents.

(For full text of resolution, see Resolution Book No. 69, Page 118.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36852-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

HEALTH DEPARTMENT-LEASES: The City Manager submitted a communication advising that the City of Roanoke and the Commonwealth of Virginia, by the Virginia Department of Health (VDH), entered into a Lease Agreement dated June 5, 2001, granting the Virginia Department of Health permission to lease office space located at 515 and 530 8th Street, S. W.; term of the Lease Agreement began on July 1, 2001 and terminated on June 30, 2004; and the Virginia Department of Health has leased space from the City of Roanoke for a number of years prior to the most recent agreement and desires to continue leasing the space for another year; and VDH planned to enter into a new sub-lease with the City for space located at the Civic Mall; however, the VDH is not prepared to enter into the new sub-lease this year due to budgetary concerns.

It was further advised that VDH has proposed an amendment to the current lease agreement to extend the term by one year, which will establish a new expiration date of June 30, 2005, with all other terms and conditions of the agreement to remain unchanged; and the Lessee will continue to pay rent in the amount of \$38,950.00 per quarter.

The City Manager recommended that she be authorized to execute the appropriate documents, to be approved as to form by the City Attorney, to amend the Lease Agreement dated June 5, 2001, for space located at 515 and 530 8th Street, S. W., to the Commonwealth of Virginia for use by the Virginia Department of Health.

Mr. Cutler offered the following ordinance:

(#36853-092004) AN ORDINANCE authorizing the City Manager to execute an amendment to the Lease Agreement dated June 5, 2001, between the City of Roanoke and the Commonwealth of Virginia, by the Department of Health ("VDH"), to extend the term of the current lease agreement by one year, with an expiration date of June 30, 2005, for office space located at 515 and 530 8th Street for the VDH, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 118.)

Mr. Cutler moved the adoption of Ordinance No. 36853-092004. The motion was seconded by Ms. McDaniel.

Council Member Cutler inquired if the City's representatives to the General Assembly are aware of the interest of the Health Department to relocate to the Civic Mall from the 8th Street site, and will the matter be addressed as a part of the City's 2005 Legislative Program.

Vice-Mayor Fitzpatrick, Chair of the Legislative Committee, advised that the matter can be discussed at the October 18 meeting of the Legislative Committee. He stated that members of the City's delegation to the General Assembly are aware of the interest of the Health Department to relocate, but no progress has been made due to funding issues at the State level.

The City Manager advised that Delegate Onzlee Ware is in the process of arranging a visit by the Governor to the present Health Department facilities. She called attention to the importance of including the matter as a part of the City's 2005 Legislative Program.

Ordinance No. 36853-092004 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

CITY CODE-FEE COMPENDIUM-STREETS AND ALLEYS: The City Manager submitted a communication advising that the 2003 Citizen Survey ranked Street Paving Maintenance and Repair as an issue of high importance; Roanoke's Comprehensive Plan, *Vision 2001-2020*, stresses the importance of a quality street system linking the community; Council's Strategic Plan 2004 envisions developing "strong neighborhoods through quality city infrastructure"; and in response to these goals, City staff has worked with local utility companies, contractors and developers for many months to develop a written policy for utility excavation and restoration.

The City Manager transmitted the proposed final draft of the *City of Roanoke Right of Way Excavation and Restoration Standards* dated September 20, 2004 (Standards); and advised that staff has briefed Council on the progress and necessity of such standards throughout development of the new standards.

It was noted that in order to implement the Standards, several changes to the City Code will be necessary; specifically, certain sections of Chapter 30, Streets and Sidewalks, of the Code of the City of Roanoke (1979), as amended, should be amended or repealed and one new Code section should be added, which is new Section 30-49, that authorizes the City Manager to promulgate the Standards; the amendment to Section 30-1 changes the class of the misdemeanor from a Class 4 to Class 3 misdemeanor for a violation of the chapter (the effect of the class change is to increase the fine from \$250.00 to a maximum of \$500.00 per violation); other amendments or deletions are to make the standards compatible with the City Code; proposed Standards provide a document detailing the procedures, permits, materials, methods, workmanship and quality desired for work within Roanoke's public street rights-of-ways; and the document, when combined with proactive inspection by City staff and cooperation of the utility community, will result in quality pavement repairs that are performed in a timely manner.

In addition, it was noted that a new fee structure is proposed for an Excavation Permit (formerly called a Street Opening Permit); the permit fee will increase from \$36.00 to \$50.00 and the new permit will have a fixed duration of 30 days; in order to answer concerns from utility companies on the limited duration, a 60 day permit is also available from \$100.00 to cover the increase in inspection coverage; and the increased fee, while not recovering all expenses for services provided, aligns Roanoke's fee with other comparable jurisdictions.

The City Manager recommended that Council adopt recommended City Code provisions, in order to promulgate the Standards, including any modifications thereto; amend the Fee Compendium to provide for a revised fee schedule, effective December 1, 2004; and authorize the City Manager to take such further action as may be necessary to implement and administer such Standards.

Mr. Dowe offered the following ordinance:

(#36854-092004) AN ORDINANCE amending §30-1, Violations of chapter, of Article I, In General, amending Article III, Street Excavations; and amending §30-88, Security, of Division 2, Construction of Sidewalks by Property Owners, of Chapter 30, Streets and sidewalks, Code of the City of Roanoke (1979), as amended, by amending, adding or repealing certain sections of Chapter 30 in order to promulgate standards and any modifications thereto, and take such other action as required to implement such standards; permitting the use of a letter of credit as an additional form of security; providing for an effective date; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 119.)

Mr. Dowe moved the adoption of Ordinance No. 36854-092004. The motion was seconded by Mr. Fitzpatrick.

Gary Robertson, Executive Director of Water Operations, Western Virginia Water Authority, expressed appreciation to City staff and to Council for working with utility companies to develop standards for paving and street excavation. He emphasized that the Western Virginia Water Authority is fully supportive of the desire of Council to improve the drivability of Roanoke's streets; however, he stated that the Water Authority is concerned about two specific issues; i.e.: the Water Authority does not have adequate staff or equipment to address paving requirements. He stated that in the past, utility cuts in the City of Roanoke were performed by the City's Streets Department; therefore, the Water Authority would like to participate in the City's contract for street paving, particularly milling within the City limits, as a cost saving measure. He called attention to a concern regarding interpretation of the one year warranty on pavement cuts and requested more definition/clarification on warranty cut expiration. He stated that there is also a fear of the unknown and requested that City staff and Council be willing to readdress the issue at a later date if necessary.

John D'Orazio, Executive Vice-President, Roanoke Gas Company, reiterated the remarks of Mr. Robertson. He stated that a primary concern relates to the minimum amount of milling and paving that the Gas Company is required to perform, therefore, it is difficult to obtain bids from contractors on small jobs since most of their cost is in the mobilization and demobilization of equipment. He advised that Roanoke Gas Company, like the Western Virginia Water Authority, would like to participate in the City's paving contract in order to be more cost effective. He expressed appreciation for the opportunity to work with City staff on the proposed utility cut standards and advised that Roanoke Gas Company is in agreement with the proposed standards.

In response to concerns raised by Mr. Robertson and Mr. D'Orazio, George C. Snead, Jr., Assistant City Manager for Operations, advised that the milling issue would only occur on those streets that have a lane line in the center, which significantly simplifies the milling and paving issue since a significant number of utility cuts will occur on neighborhood streets that do not have a center line. He stated that the City was firm on the most important issue; i.e.: a one quarter inch tolerance standard, which will create a more rideable and aesthetically pleasing street; the square footage size for cuts as a threshold to mill and pave was increased to 40 square feet; there is some flexibility in options for fill material because each situation will be different, with the goal of getting the same solid compaction and over paving; an agreement was also reached for a quality control plan that will allow contractors to train their teams working in the streets in accordance with certain basic technology in order to measure the compaction of fill material and pavement; and depth of the bench cut was reduced in certain situations to simplify the process. With reference to participation in the City's paving and milling contract, he advised that City staff is addressing the request and responding to questions in connection with State procurement laws; and other issues are being addressed in regard to scheduling and reinspections and over the next 12 months, it is hoped that the process will work smoothly, timely, with a quality result, without causing a major financial impact on any affected entity. He stated that the goal of the City Manager is to make the process work and if there are components that do not work, staff is committed to addressing the necessary revisions.

Ordinance No. 36854-092004 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36855-092004) A RESOLUTION amending the City's Fee Compendium to provide revised fees for Right of Way Excavation Permits, formerly Street Opening Permits; increasing the fee from \$36.00 to \$50.00 in order to promote uniformity of the City's fees with other comparable jurisdictions; and providing for an effective date of December 1, 2004.

(For full text of resolution, see Resolution Book No. 69, Page 124.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36855-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff
and Mayor Harris -----7.

NAYS: None-----0.

ROANOKE CIVIC CENTER: The City Manager submitted a communication advising that the Roanoke Civic Center opened in 1971 as a multi-function venue that included the Coliseum, Exhibit Hall, Parlors, and Auditorium; at the time the facility was constructed, many cities used the terms Parlor and Auditorium to describe areas in public assembly facilities; today, the quality and types of events held at civic facilities have changed the image of public assembly facilities; most facilities no longer refer to parlors, but call these spaces suites or meeting rooms; and many public assembly facilities have changed venue identification from auditorium to more specific terms that better describe the use of the facility, such as theatre, performing arts center, cultural center, etc.

It was further advised that in August 2004, the Roanoke Civic Center Commission was informed of the proposed name changes of the Auditorium and Parlors and the Civic Center Commission was in agreement that the name of the meeting spaces should be changed from Parlors to Meeting Rooms 1, 2, 3, 4, and 5; consideration was given to actually naming the rooms, but the consensus was to keep room identification simple; and the Civic Center Commission also agreed that Roanoke Performing Arts Theatre was a better name for the Auditorium since the City hosts the Roanoke Symphony Orchestra, concerts, Broadway musicals, plays, ballets, and other cultural events; and in order to implement the name changes, approval by Council is required.

The City Manager recommended that Council adopt a measure changing the name of the Parlors to Meeting Rooms 1-5 and changing the name of the Auditorium to Roanoke Performing Arts Theatre, with the name change to be revealed at the first Broadway show of the 2004-2005 season; and announcement of the new name will also be an opportune time to showcase renovations that have been completed, including a refinished stage, new dimming light system, all new seats with a center and cross aisle, and aisle carpeting.

Mr. Cutler offered the following resolution:

(#36856-092004) A RESOLUTION renaming the Roanoke Civic Center Auditorium as the Roanoke Performing Arts Theatre, and renaming the Roanoke Civic Center Parlors A, B, C, D and E as Meeting Rooms 1, 2, 3, 4 and 5.

Mr. Cutler moved the adoption of Resolution No. 36856-092004. The motion was seconded by Mr. Dowe.

Vice-Mayor Fitzpatrick advised that in lieu of using numbers on the Parlors, he would prefer to name the Parlors after localities surrounding the City of Roanoke, which will also speak to the City's pride in the region.

Dr. Cutler concurred in the remarks of Vice-Mayor Fitzpatrick and advised that consideration should also be given to geographic locations, as well as regional names for the meeting rooms. He called attention to publications that currently refer to the Roanoke Civic Center Auditorium as the Roanoke Performing Arts Theatre, even though no formal action has been taken by the Council to rename the facility. He inquired about the rationale behind using British spellings instead of American spellings for such institutions as the Roanoke Riverside Biomedical Research "Centre" as opposed to "Center" and the Roanoke Performing Arts "Theatre" as opposed to "Theater".

The City Manager responded that changing the name of the Roanoke Civic Center Auditorium to the Roanoke Performing Arts Theatre was previously approved by the Roanoke Civic Center Commission prior to requesting the approval of Council; however, it is hoped that patrons of the Civic Center Auditorium will be pleasantly pleased with the new theatre that now has a center isle and other improved accommodations. The City Manager suggested that naming the meeting rooms after Roanoke Valley localities should be referred to the Roanoke Civic Center Commission for recommendation to Council.

Mr. Fitzpatrick moved that Resolution No. 36856-092004 be amended to delete the following: "and renaming the Roanoke City Civic Center Parlors A, B, C, D and E as meeting rooms 1, 2, 3, 4 and 5"; and that the question of naming meeting rooms be referred to the Roanoke Civic Center Commission for report and recommendation to Council. The motion was seconded by Mr. Cutler and unanimously adopted.

Mr. Cutler offered the following resolution as amended:

(#36856-092004) A RESOLUTION renaming the Roanoke Civic Center Auditorium as the Roanoke Performing Arts Theatre.

(For full text of resolution, see Resolution Book No. 69, Page 125.)

Mr. Cutler moved the adoption of Resolution No. 36856-092004, as amended. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

ACTS OF ACKNOWLEDGEMENT-BRIDGES: The City Manager submitted a communication advising that on February 3, 2003, Council Member Dowe suggested that the City of Roanoke propose that the First Street Bridge be named the Dr. Martin Luther King, Jr., Memorial Bridge; Council discussed the issue inasmuch as the bridge could serve as a history walk to highlight the life of Dr. King and his role in the Civil Rights movement, and could also serve as a teaching tool for the community and as a symbol to bridge the community; and the proposal meets the criteria of the Dr. Martin Luther King, Jr. Committee that was previously appointed by the City Manager to submit recommendations.

It was further advised that on March 3, 2003, a motion was adopted by Council that the newly renovated First Street Bridge be named in memory of the late Dr. Martin Luther King, Jr., and that the City work with the Southern Christian Leadership Conference (SCLC) with regard to design elements; and citizens in the audience were offered an opportunity to address the motion, following which the motion was adopted by Council.

The City Manager recommended that Council adopt a measure authorizing the City Manager to contact the Dr. Martin Luther King, Jr., Center for Nonviolent Social Change for consent to the naming of the First Street Bridge in honor of Dr. King, as well as proposed design elements.

Mr. Fitzpatrick offered the following resolution:

(#36857-092004) A RESOLUTION designating and renaming the First Street Bridge as the Dr. Martin Luther King, Jr., Memorial Bridge.

(For full text of resolution, see Resolution Book No. 69, Page 125.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36857-092004. The motion was seconded by Mr. Dowe.

Mr. Bob Caudle, 4231 Belford Street, S. W., spoke in support of naming the First Street Bridge in honor of Dr. Martin Luther King, Jr., and advised that the City should also consider naming something in honor of Oliver White Hill, a local civil rights leader. He mentioned the possibility of naming the First Street Bridge in honor of both Dr. King and Mr. Hill since both men worked toward the same goals.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., expressed concern that Council's action to name the First Street Bridge in honor of Dr. King was approved without input by the community. She stated that it is understood that all of the people cannot be pleased with Council's actions all of the time, but the procedure that was used in naming the bridge was out of character and has caused much discussion and discontent within the community.

She further stated that the issue was discussed once again at a 9:00 a.m. work session of the Council, no member of the Martin Luther King Memorial Committee was in attendance; the matter is currently on the Council's agenda and no member of the Memorial Committee is present, except a member of City Council who serves on the Committee. She added that no formal City Planning Commission or City Council public hearing was conducted where citizens could provide input; the Memorial Committee was appointed by the City Manager, and there is no documentation that the Committee had an opportunity to vote on the recommendation before Council voted to name the First Street Bridge in honor of Dr. King. She stated that it would appear to be in order to obtain permission from the Martin Luther King Jr. Center for Non Violent Social Change before Council formally acts to name the First Street Bridge in honor of Dr. King.

Council Member Cutler, a member of the Martin Luther King Memorial Committee, called attention to an informal agreement by the King family to use Dr. King's name for the First Street Bridge. He inquired if installation of the memorial statue and other memorial items have been authorized; whereupon, the City Manager responded that Council at its last work session identified the methodology by which the bridge is to be renovated for pedestrian use, with significant parts of the bridge to be rehabilitated as opposed to being replaced; City staff is in the process of identifying available funding and the goal is to bid renovation over the next several months. She stated that the City will then address which specific elements can be afforded from those that were recommended by the Martin Luther King, Jr. Memorial Committee, and which components could be postponed until a later date and/or until some type of fund raising effort is initiated. She added that at the request of Council, she has corresponded with Congressman Bob Goodlatte requesting his assistance to secure Federal funding to assist in the purchase and installation of certain additional items since the original allocation by Congress would not be appropriate for a pedestrian bridge.

Council Member Dowe advised that it would be virtually impossible to honor a man such as Dr. King with the naming of anything, therefore, the question is, what would be proper and fitting; there is a growing frustration throughout the community that the City of Roanoke has not named anything in honor of Dr. King heretofore; and whenever an attempt is made to honor Dr. King, it will always touch on the heart of every individual. He stated that he has received many forms of communication that support the direction of the City to rename the First Street Bridge in honor of Dr. King, and the general consensus of the community as a whole is that the naming of the First Street Bridge is a good faith attempt to name something after a man who has meant so much to so many people. If all correct procedures and protocol have been followed, he encouraged that progress not be stagnated on the project. He expressed respect for Ms. Bethel's opinion and encouraged her to call him with regard to specific concerns.

Council Member Wishneff advised that he supports the naming of the First Street Bridge in honor of Dr. King, but he found the City Manager's communication to be lacking in information. He inquired if a specific process was followed to reach this point.

The City Manager responded that the City adheres to an informal procedure that naming opportunities are directed to the City Planning Commission for a recommendation to City Council; however, this was a significantly different issue and is not the request of an individual or an organization for a name change, but is an item that was initiated by the Council. She stated that in 2003, the Council unanimously voted to name the First Street Bridge the Martin Luther King, Jr. Memorial Bridge, and the bridge has been referred to in many ways since that time as though the naming had formally occurred. She advised that the City Attorney pointed out at a recent Council work session that the Council had not made the official request for the name change to the organization that has approval rights, although Dr. Pernella Wilson, acting in her capacity as local President of the Southern Christian Leadership Conference, has discussed the matter with certain individuals and has received the assurance that the necessary approval will be forthcoming. She indicated that the City Attorney is of the opinion that there should be a more official acknowledgment of the name change inasmuch as Council generally acts through resolution; therefore, for that reason, the item was placed on the Council's agenda and also accounts for the brevity of the communication.

Resolution No. 36857-092004 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris:-----7.

NAYES: None-----0.

CITY CODE-REFUSE COLLECTION: The City Manager submitted a communication advising that City Code Section 21-204 indicates that "At certain levels, noise can be detrimental to the health, welfare, safety and quality of life of inhabitants of the city, and in the public interest, noise should be restricted. It is therefore the policy of the city to reduce noise in the community and to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power".

The City Manager further advised that the servicing of privately owned bulk containers (dumpsters), as well as the use of roll-off containers, throughout the City of Roanoke, needs to be done during hours of the day that would be less objectionable to the community; therefore, an amendment to the Solid Waste Ordinance (Section 14.1) of the City Code has been developed that would limit the servicing all bulk containers and roll-offs to between the hours of 6:00 a.m. and 12:00 a.m.

The City Manager recommended that Council adopt a measure which will limit the time that bulk containers may be serviced, effective immediately.

Mr. Dowe offered the following ordinance:

(#36858-092004) AN ORDINANCE amending and reordaining §14.1-1, Definitions, of Article I, In General, by adding the definition of roll-off container, and amending and reordaining Division 2, Private Collection of Bulk Containers, of Article II, Collection by an Authorized Person, by the addition of new section 14.1-46, Removal and emptying of bulk containers and roll-off containers, of Chapter 14.1, Solid Waste Management, Code of the City of Roanoke (1979), as amended, by specifying the time roll-off containers may be removed and solid waste may be emptied from bulk containers; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 126.)

Mr. Dowe moved the adoption of Ordinance No. 36858-092004. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

DONATIONS/CONTRIBUTIONS-ART ACQUISITION: The City Manager submitted a communication advising that as a result of a recent meeting initiated by Mayor Harris with representatives of the Roanoke Arts Commission and the artist of the Unity sculpture, an agreement was reached on the terms of placement of the Unity Sculpture at Elmwood Park, as recommended by the Roanoke Arts Commission.

The City Manager recommended that she be authorized to execute an agreement with JDR ART, Inc., for installation of the Unity Sculpture in Elmwood Park, subject to approval as to form by the City Attorney.

Mr. Fitzpatrick offered the following resolution:

(#36859-092004) A RESOLUTION accepting the donation of a work to be known as the Unity Sculpture, upon certain terms and conditions, approving the location for the Unity Sculpture in Elmwood Park and authorizing the City Manager's execution of an agreement with JDR ART, Inc., in connection with fabrication and installation of the sculpture.

(For full text of resolution, see Resolution Book No. 69, Page 128.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36859-092004. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

CITY ATTORNEY: NONE.

DIRECTOR OF FINANCE: NONE.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

At 3:40 p.m., the Mayor declared the Council meeting in recess for a Closed Session to interview one applicant for a vacancy on the Architectural Review Board.

At 4:05 p.m., the Council meeting reconvened in the Council Chamber, with all members of the Council in attendance, Mayor Harris presiding.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

OATHS OF OFFICE-COMMITTEES-INDUSTRIES: Mr. Fitzpatrick offered the following resolution reappointing Charles E. Hunter, III, as a Director of the Industrial Development Authority for a four year term commencing October 21, 2004 and ending October 20, 2008.

(#36860-092004) A RESOLUTION reappointing a Director of the Industrial Development Authority of the City of Roanoke, to fill a four (4) year term on the Board of Directors.

(For full text of resolution, see Resolution Book No. 69, Page 129.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36860-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

COUNCIL: Mr. Cutler offered the following resolution changing the time of commencement of the regular meeting of City Council scheduled to be held at 9:00 a.m., on Thursday, October 7, 2004, from 9:00 a.m. to 12 noon.

(#36861-092004) A RESOLUTION changing the time of commencement of the regular meeting of City Council scheduled to be held at 9:00 a.m., on Thursday, October 7, 2004.

(For full text of resolution, see Resolution Book No. 69, Page 129.)

Mr. Cutler moved the adoption of Resolution No. 36861-092004. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

BRIDGES: Vice-Mayor Fitzpatrick called attention to the need for repairs to the bridge railing at the Masons Mill Wheel, and deterioration of the sidewalk on Wasena Bridge.

PARKS AND RECREATION-CITY COUNCIL: Council Member Dowe commended the City Manager on her expedient response to his inquiry regarding an air conditioning system for the Eureka Park Recreation Center.

CELEBRATIONS-SPECIAL EVENTS: Council Member Dowe commended EventZone in connection with The Taste of the Blue Ridge Blues and Jazz Gala which was held at The Hotel Roanoke on September 17, 2004.

SPECIAL EVENTS: Council Member Dowe expressed concern with regard to a recent newspaper article relative to the date that Halloween will be observed in the City of Roanoke during the year 2004, which indicated that a decision had been made with the approval of Council to not change the date of the official observance. However, he stated that he was not aware that the Council, as a body, had taken an official position. He asked that all Members of the Council be privy to information that involves the Council as a body.

ARMORY/STADIUM-SPORTS ACTIVITIES: Council Member Lea expressed appreciation to the citizens of Roanoke and to the City Manager for their support of the Western Virginia Education Classic which was held on Saturday, September 11, 2004. He also expressed appreciation to City staff for their efforts to prepare the Victory Stadium field for football which also involved parking needs and other logistical issues.

Mr. Lea inquired about the feasibility of placing the responsibility of managing Victory Stadium under the direction of the City's Department of Parks and Recreation in view of the controversy over recent decisions to cancel high school football games due to the condition of the Victory Stadium field. He stated that it would appear that the Department of Parks and Recreation would have a better understanding of the condition of the field and should be the City department to work with school officials, athletic directors and coaches to make decisions regarding the condition of the Victory Stadium field.

Council Member Wishneff reiterated the remarks of Mr. Lea and expressed concern that the City is quick to cancel football games due to inclement weather and the playability of the Victory Stadium field.

George C. Snead, Jr., Assistant City Manager for Operations, advised that it was challenging to satisfy all users of the Victory Stadium field in the kind of weather conditions that the Roanoke Valley experienced during the past two weeks. He stated that based on weather reports on Thursday, September 16, 2004, there was dialogue between School officials and the Event Manager at the Roanoke Civic Center, and it was determined that if the football game had been played on Friday night, there would have been substantial damage to the Victory Stadium field; if there was error, it was made on the side of being overly cautious and a decision was made too quickly from both a School and a Civic facilities perspective that the football game would not be played on Friday or Saturday night (September 17 and 18, 2004). He stated that he was not familiar with any discussions in connection with rescheduling the football game to another date.

Mr. Lea questioned decision making at the high school level as to why the football game was not played on Thursday night. He advised that it was reported that a volleyball game was to be played on Thursday evening and no one wanted to disrupt the game; however, a volleyball game would have attracted a different crowd, therefore, both the volleyball game and the football game could have been played. He stated that unfortunately, William Fleming High School seems to bear the brunt of these types of decisions; last year William Fleming experienced problems with the rescheduling of play off games due to inclement weather, and on Monday night the William Fleming football team will play a difficult opponent away from home. He advised that the scheduling situation is not the fault of the City administration, but the School administration, and athletic directors should work together.

Without objection by Council, the Mayor advised that the question raised by Council Member Lea to place Victory Stadium under the direction of the Department of Parks and Recreation will be referred to the City Manager for report.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

COMPLIANTS-BRIDGES: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke with regard to the Proclamation declaring the month of October as Building Character Month in the Roanoke Valley. She advised that one of the character building traits mentioned in the Proclamation is respect; therefore, the failure of Council to consider the input of citizens and to provide an opportunity for citizens to voice an opinion is disrespectful. She referred to an article that was recently published in a City publication that listed various festivals to be held throughout the City of Roanoke, however, the Henry Street Festival, which is an event that has been held in the City for approximately the last 15 years was omitted. She stated that the Henry Street Festival will be held on September 25 - 26, 2004; references are periodically made at Council meetings with regard to various other festivals, however, no mention has been made about the Henry Street Festival, yet today, Council voted to name the Henry Street Bridge, or the First Street Bridge, in honor of Dr. Martin Luther King, Jr. She added that homes are being constructed in the City of Roanoke costing in the range of \$1 million, or more, when some Roanoke residents work in excess of eight hours a day and cannot afford a \$40,000.00 house. She asked if Roanoke will be a City of the "haves" and the "have nots".

PAY PLAN-COMPLAINTS-REFUSE COLLECTION-CITY EMPLOYEES: Mr. Robert E. Gravely, 729 Loudon Avenue, N. W., advised that downtown Roanoke is losing money because most citizens residing in the City of Roanoke either live on a fixed income, or in a state of economic disadvantage. He spoke with regard to insufficient wages and working conditions for City employees in the Departments of Sanitation and Grounds Maintenance, etc., compared to those City employees who work in an office environment. He stated that the average worker cannot afford to purchase a house in the City of Roanoke, and it is the responsibility of City Council to bring the City to a standard of living that ensures quality of life for all citizens.

CITY MANAGER COMMENTS:

GRANTS-HUMAN RESOURCES: In response to a question raised earlier in the meeting by Council Member Lea, the City Manager reported that the Runaway and Homeless Youth Program has served 33 young people this year.

STATE OF THE CITY REPORTS: The City Manager advised that the Mayor's State of the City Address, which was presented on Tuesday, September 14, 2004, will be televised on RVTV Channel 3 on Wednesday, September 22 at 9:00 a.m. and 6:00 p.m., and on Wednesday, September 29 at 9:00 a.m. and 6:00 p.m., and can be viewed on the City's web site.

CITY INFORMATION SYSTEMS: The City Manager invited Council Members and the citizens of Roanoke to visit the City's new web site which is more user friendly than the previous web site.

ROANOKE CIVIC CENTER: The City Manager presented a calendar of events for the month of October 2004 at the Roanoke Civic Center.

CITY COUNCIL-SPECIAL EVENTS: In response to a concern previously raised by Council Member Dowe with regard to the date of official observance of Halloween 2004 in the City of Roanoke on Sunday, October 31, 2004, the City Manager advised that the response in the newspaper article should not be attributed to the City Council, but to the City Manager. She extended an apology to the Members of Council if she erred in making the decision without the involvement of Council.

At 4:55 p.m., the Mayor declared the Council meeting in recess for a briefing on the Housing Strategic Plan and continuation of the Closed Session.

The Council meeting reconvened in the Council's Conference Room.

HOUSING/AUTHORITY: The City Manager advised that Council previously engaged the firm of K. W. Poore & Associates, Inc. and Development Strategies, Inc., to develop a Housing Strategic Plan for the City of Roanoke. She introduced Kenneth Poore and David Whitlow to present a status report on the work of the consultants to date.

It was advised that:

- The Housing Strategic Plan is intended to develop strategies to upgrade the overall quality and quantity of housing in order to stabilize population, improve neighborhoods, use existing infrastructure, provide greater diversity and choice, promote market rate housing and increase ownership.
- Major findings include a slight increase in the number of housing units, aging housing stock, residents pay a larger percentage of income, there are relatively smaller units, lower valued housing units, a lower ownership rate, a declining population, vacant units, lower income, significant replacement activity, and South Roanoke has the highest values in the region and fewer days on the market.

- Challenges and opportunities include perceptions that are positive, i.e.: a pleasant environment, affordable, good value, diverse, safe, and an urban center; and perceptions that are negative, i.e.: obsolete housing, new housing is not as desirable as in the suburbs, schools, limited opportunities for new development, private risk takers and lack of market rate housing.
- Guiding principles include the private sector, maintain affordable housing, comprehensive, improving quality of housing and the time element inasmuch as there will not be an overnight fix.
- Urban advantage examples: Greater Raleigh Court, Crystal Springs and Old Southwest which are currently working well; likely investment areas include Marshall and Day Avenues, parking lots and Campbell Avenue, and the South Jefferson Redevelopment area; strategic neighborhoods include Historic Gainsboro, Southeast by Design, City suburban/neo-traditional and Hurt Park.
- Groups that will be targeted are young professionals, returning families, empty nesters and active seniors.
- Next steps in the study include a community forum, preparation of a final plan and strategies, and adoption by the City Planning Commission and Council.

Discussion:

- Strategies will involve specifics such as the level of targeting annual numbers which are believed to be achievable in terms of types of housing that the City might be able to capture; a series of conceptual designs will be provided; and priorities that are doable in the context of the housing plan, but before details are developed, it is important to ensure that the consultant is moving in the right direction.
- There will be coordinated efforts regarding infrastructure, recommendations on where to make investments in such things as streets and sidewalks, curbs and gutters; the role of organizations such as the Roanoke Redevelopment and Housing Authority, and the consultant will identify programs of a similar nature that have worked well in other communities.

- There will be action plans for each of the respective targeted neighborhoods, or venues of housing, that are recommended by prioritizing in order to help Council make broad decisions by addressing the budget, commitment, time line, and perimeters of the plan.
- The private sector can be activated through the City's investment in infrastructure which shows commitment to a neighborhood, or a willingness to go into a specific neighborhood and make broad changes in a number of ways, or by making certain types of funds available for various programs.
- Cities traditionally partner with the private sector to garner investment dollars through: first, the assemblage of land that can be leveraged, as far as a housing developer is concerned, to make the land more attractive for investment to occur; second, infrastructure improvements; and third, economic incentives, building permits or certain other types of amenities that are forgiven, by directing loans through a development corporation which is formed by the City, whether it be a current authority or a separate CDC in which monies can be channeled in both new developments, as well as revitalization of certain existing areas through rehabilitation loan funds and grant funds.
- A variety of recommendations will be made that can be enacted and prioritized to enable the City to get the most out of any investment dollar.
- The economic growth of the community will be a driving force.

Council Member Wishneff offered a challenge that the consultants think boldly when submitting its recommendations. He stated that a public relations, or a marketing vehicle, is needed to educate the community about what the City is trying to do; developers throughout the country are looking within cities for housing and interesting buildings; however, the problem for the City of Roanoke is that many of the City's most interesting and best buildings are located in the flood plain. He advised that certain neighborhoods should be better organized, and referred specifically to the Southern Hills and the Cove Road/Peters Creek Road areas, where there appears to be much vacant and scattered land, roads that need to be connected, and other areas in the City that appear to be "hit and miss" in terms of development. He asked that special consideration be given to the Wasena neighborhood which is the most distressed and some parts of Old Southwest that have great potential.

The City Manager called attention to two opportunities in the immediate future that will enable the City to be both bold and to set the tone for the strategic housing plan. She referred specifically to the Colonial Green project on Colonial Avenue and proposed housing opportunities on Peakwood Drive. She stated that if the City of Roanoke does not demonstrate a commitment to the community to develop new and different types of housing, Roanoke will experience a major setback to whatever comes out of the strategic housing plan study.

Vice-Mayor Fitzpatrick advised that the City of Roanoke does not have the level of growth that is needed to sustain the kind of economic opportunity that is necessary for residential development in the City, or in the Roanoke Valley; therefore, there is a need to coordinate with other governments on a plan to create more jobs and other opportunities, which will be the best approach to new infill housing, new development, and revitalization of Roanoke's current neighborhoods.

The Mayor concurred in the remarks of Council Member Wishneff and advised that the Wasena neighborhood is sandwiched between Old Southwest and Raleigh Court which are two healthy neighborhoods; and the Wasena neighborhood has the potential for a neighborhood commercial village in the Main Street area, which is currently in a distressed state but has the potential to become far more. He stated that the Hurt Park neighborhood is the most intriguing and interesting because of the presence of various types of housing structure, i.e.: the former mansions on Patterson Avenue; therefore, he expressed a particular interest in the recommendations of the consultant for the Hurt Park neighborhood which will be more challenging than some of the other neighborhoods.

If the City of Roanoke is to attract young families with children, the Mayor stated that another issue to be considered is school district attendance zones. He requested input by the consultant relative to how attendance zones are configured and their impact, either positively or negatively, upon the viability of housing in the neighborhoods.

Mr. Whitlow advised that schools and school attendance districts are outside of the scope of the housing study, however, general guidelines can be provided that could change the way that schools are perceived, and the concept of neighborhood schools appears to be key to the success of many cities.

Following receipt of the report of the consultant, the Mayor advised that there should be a discussion between Council leadership and School Board leadership as to whether Roanoke's school attendance zones are creating the kind of sustainable neighborhoods that the City is striving to achieve.

The City Manager asked that Council encourage citizens to attend focus group and community meetings to provide their input into the Housing Strategic Plan.

At 5:45 p.m., the Council convened in Closed Session in the Council's Conference Room.

At 7:00 p.m., on Monday, September 20, 2004, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor C. Nelson Harris presiding.

PRESENT: Council Members Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., Sherman P. Lea and Mayor C. Nelson Harris-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Harris.

PRESENTATIONS AND ACKNOWLEDGEMENTS:

ACTS OF ACKNOWLEDGEMENT-SPORTS ACTIVITIES-SCHOOLS: The Mayor and Members of Council commended the Patrick Henry High School Boys Tennis Team as undefeated Western Valley District Champions for 2004, and winners of the first tennis team State title in the history of Patrick Henry High School, with a 20 - 1 overall record.

The Mayor advised that the tennis team consists of Robert Edwards, Chris Hincker, Joseph Salamoun, Ryan Luckay, Alex Hincker, Tyler Early, Sandy Huff, Brock Newton, Tom Raney and Giles Roberts. He stated that during the 2004 tennis season, several team members won district and regional competitions, i.e.: Brock Newton defended his Northwest Regional single's title, Brock Newton and Tyler Early were four-time district and regional doubles champions, Brock Newton and Tyler Early won the State doubles title, Bo Edwards and Chris Hincker reached State quarterfinals in doubles, and Tyler Early reached State quarterfinals in singles.

On behalf of the Members of Council and citizens of the City of Roanoke, the Mayor commended the tennis team and Head Coach Joel Higham and Assistant Coach Chris Newton.

Mr. Dowe offered the following resolution:

(#36844-092004) A RESOLUTION paying tribute to the Patrick Henry High School Boys Tennis Team as the undefeated Western Valley District Champions for 2004.

(For full text of resolution, see Resolution Book No. 69, Page 111.)

Mr. Dowe moved the adoption of Resolution No. 36844-092004. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel, Wishneff and Mayor Harris -----7.

NAYS: None-----0.

The Mayor presented a ceremonial copy of the above referenced measure to each team member and coach.

PUBLIC HEARINGS:

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Maryellen F. Goodlatte, representing The Branch Family, LLC, that three tracts of land located on Franklin Road, S. W., identified as Official Tax Nos. 1150104, 1150102 and 1150112, be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 3, 2004, and Friday, September 10, 2004.

The City Planning Commission submitted a written report advising that adjacent land uses and zoning districts include:

- Along Franklin Road to the east is a Fast Fare gas station zoned C-2, General Commercial;

- Along Franklin Road to the west is the Soccer Stop retail store zoned C-2, General Commercial; abutting Official Tax No. 1150104 to the northwest is Official Tax No. 1150106, which has a warehouse use and is split zoned C-2, General Commercial District, and LM, Light Manufacturing District;
- To the north, across the Norfolk Southern right-of-way are two large parcels of land zoned LM, Light Manufacturing District, which have various light industrial and warehousing uses; and
- Across Franklin Road is a vacant parcel of land zoned C-2, General Commercial District.

It was further advised that the request for rezoning is consistent with the following recommended actions and statements of *Vision 2001-2020*, the City's Comprehensive Plan:

- *Impervious surface reduction:* Limit the amount of impervious surfaces to reduce runoff;
- *Commercial development:* Identify underutilized commercial sites and promote revitalization;
- *Area plan initiative:* Explore redevelopment of areas identified for industrial, commercial, or mixed-use development along Franklin Road between the South Jefferson Redevelopment Area and Wonju Street;
- *Curb cuts:* Curb cuts should be minimized along commercial corridors; and
- *Street trees:* Trees are an essential element of the streetscape and should be planted along all non-suburban streets.

It was noted that the future land use map of the *Franklin Road/Colonial Avenue Area Plan*, adopted by Council in June 2004, shows the subject parcels as light manufacturing uses; and the plan states the importance of:

- *Commercial centers:* Identify or create nodes along Franklin Road for commercial centers; concentrations of small-to-medium-sized commercial establishments.

It was advised that the total area of the three subject parcels is 35,481 square feet; the principal structure is a 7,175 square foot building; the front of the building is a retail/office space with a warehouse area in the back; a phone assembly and repair business occupies the building and there are no accessory structures on the subject parcels; “downzoning” the subject parcels to allow for commercial uses is consistent with the surrounding land uses along the north side of the 2200 block of Franklin Road; uses include a beauty salon, gas station, and a retail store; in addition, there has been a trend toward converting industrially zoned property to commercially zoned property; over the last nine years, there have been two conditional rezoning amendments from LM, Light Manufacturing District, to C-2, General Commercial District, along the block-face; the first rezoning in July 1995 was for the Soccer Stop retail store abutting the subject parcels to the west; the second amendment was to rezone a 7.292 acre multi – parcel zoning in December 2002 on the corner of Franklin Road and Wonju Street from LM to C-2; Ore Branch flows through the subject properties, with the principal structure straddling both sides of the banks of the creek; a large portion of the principal structure is in the floodway and the 100-year floodplain; any redevelopment or change of use will be subject to compliance with the Floodplain Zoning Regulations in the Zoning Ordinance and related provisions of the building code; in addition, regulations of the floodway limit redevelopment options for the placement of new or replacement structures on the site, or additions to existing structures on the parcels; and staff is of the opinion that Floodplain Zoning Regulations adequately ensure proper floodplain management of the subject parcels.

It was further advised that the proffered site plan illustrates development improvements including a reduction in the width of existing curb cuts, a reduction in parking surface area and replacement with a landscaping buffer along Franklin Road, and elimination of an existing parking area directly in front of the building; and the petitioner has proffered to plant a tree every 50’ feet within the landscaping buffer area.

The City Planning Commission recommended approval of the request for rezoning, with proffered conditions, given the prevailing land use pattern.

Mr. Fitzpatrick offered the following ordinance:

(#36862-092004) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 115, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 130.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36862-092004. The motion was seconded by Mr. Cutler.

Maryellen F. Goodlatte, Attorney, appeared before Council in support of the request of her client.

The Mayor inquired if there were persons present who would like to speak in connection with the request for rezoning. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36862-092004 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Joe and Annette Macione that a tract of land located at 677 Brandon Avenue, S. W., identified as Official Tax No. 1270801, be rezoned from LM, Light Manufacturing District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 3, 2004, and Friday, September 10, 2004.

The City Planning Commission submitted a written report advising that adjacent land uses and zoning districts include:

- Norfolk Southern right-of-way is located to the north zoned LM, Light Manufacturing;
- Adjacent to the subject parcel along Brandon Avenue to the east is Uptown Audio retail store, zoned, C-2, General Commercial; to the west is A Cleaner World dry-cleaners, zoned LM, Light Manufacturing; and
- Located across Brandon Avenue is Towers Shopping Mall, zoned C-2, General Commercial.

It was further advised that the request for rezoning is consistent with the following recommended actions and statements of *Vision 2001-2020*, the City's Comprehensive Plan:

Impervious surface reduction: Limit the amount of impervious surfaces to reduce runoff;

- *Curb cuts:* Curb cuts should be minimized along commercial corridors;
- *Street trees:* Trees are an essential element of the streetscape and should be planted along all non-suburban streets;
- *Signs:* Visual clutter should be discouraged; and
- *Commercial development:* Commercial development should be concentrated at key intersections.

It was advised that the total land area of the subject parcel is 18,326 square feet; the principal structure is a 1,856 square foot building; a three-bay auto repair garage/gas station currently occupies the building; and under the conditional rezoning, current uses of a service station and gas station would become legally non-conforming uses.

It was further advised that the future land use map of the Franklin Road/Colonial Avenue Area Plan, adopted by Council in June 2004, shows the subject parcel as a general commercial use; the 600 block of Brandon Avenue is occupied by various restaurants and retail and service establishments; proffered uses are compatible with the prevailing land use pattern on the block-face and in Towers Shopping Mall; Planning staff believes that a commercial rezoning with conditions is a suitable zoning district for the parcel of land given its location along the Brandon Avenue commercial corridor and its proximity to a large shopping center; with proffered conditions, the application of C-2, General Commercial District, is appropriate; proffers provide reassurance that the subject parcel of land would be reused or redeveloped in a consistent manner with the principals of *Vision 2001-2020*; and limitations on use, reduction in width of the existing curb cuts, a limitation of sign area to approximately half of the allowable square footage, a five foot landscaping buffer, and trees along the streetscape are positive steps toward successful reuse of the property.

The City Planning Commission recommended that Council approve the request for rezoning, with conditions, given the petition's consistency with *Vision 2001-2020*.

Mr. Dowe offered the following ordinance:

(#36863-092004) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 127, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 131.)

Mr. Dowe moved the adoption of Ordinance No. 36863-092004. The motion was seconded by Mr. Fitzpatrick.

Maryellen F. Goodlatte, Attorney, appeared before Council in support of the request of her clients.

The Mayor inquired if there were persons present who would like to speak in connection with the request for rezoning.

Ms. Brenda Simmons, owner of property located at 673 - 675 Brandon Avenue, S. W., which is located next door to the property proposed to be rezoned, expressed concern with regard to whether or not customers of the proposed restaurant will use her property for parking.

Ms. Goodlatte advised that she would respond to Ms. Simmons concerns; however, she offered the assurance that without Ms. Simmons consent, no vehicles will be allowed to park on her property. She stated that it is intended to convert an old service station into a Memphis-style barbeque restaurant, numerous conditions have been proffered, including a new landscape buffer along Brandon Avenue, curb cuts and limited signage on Brandon Avenue.

There being no further speakers, the Mayor declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36863-092004 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

ZONING: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Paul and Sharon Crawford that certain tracts of land located on Church Avenue, S. E., between 11th and 12th Streets, identified as Official Tax Nos. 4111409 - 4111417, inclusive, be rezoned from LM, Light Manufacturing District, to RM-1, Residential Multi-family, Low Density District, subject to certain conditions proffered by the petitioners, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 3, 2004, and Friday, September 10, 2004.

The City Planning Commission submitted a written report advising that adjacent land uses and zoning districts include:

- Eight vacant parcels located in the same block abutting the subject parcels along the rear property lines to the north and fronting on Kirk Avenue, which are zoned LM, Light Manufacturing District;
- Across 12th Street to the east is a single-family house zoned LM, Light Manufacturing District;
- On the south block-face of Church Avenue are vacant parcels, a single-family dwelling, and two duplexes zoned RM-1, Residential Multifamily, Low Density District; and
- Across 11th Street to the west is an electrical contractor's business zoned LM, Light Manufacturing District.

It was advised that the request is consistent with the following recommended actions and statements of *Vision 2001-2020*, the City's Comprehensive Plan:

- *Housing Stock:* New residential development is constrained by the limited number and size of available sites;
- *Housing opportunities:* Sustainable neighborhoods require a competitive mix of affordable and market-rate housing opportunities; and
- *Traditional neighborhoods:* Houses should be consistent in terms of front yard setback and bulk.

It was further advised that the future land use map of the *Belmont-Fallon Neighborhood Plan*, adopted by Council in January 2003, shows individual uses for the 1100 block of Church Avenue; however, it is important to note the following sections of the plan that help support the petition:

- *Improve housing:* At community workshops, participants cited the need to improve housing conditions as the highest priority for the neighborhood;
- *Housing Development:* Future housing development should promote income diversity by focusing on market-rate housing and by encouraging home ownership;
- *Develop vacant lots:* Many of the vacant lots (about 400) are good opportunities for new housing development;

- *Building location:* Established building line of existing development should be used to guide placement of infill dwellings;
- *Change industrial zoning:* Where zoning is industrial, but the primary use is likely to remain residential, change zoning to a residential district;
- *Market-rate housing:* The primary focus for new development will be on market-rate housing, given current supplies of affordable housing in the neighborhood;
- *Design:* New structures must be well-designed and compatible with existing buildings; and
- *Zoning changes:* Initiate zoning changes to support housing revitalization.

The City Planning Commission noted that there are currently two single-family houses located on opposite ends of the block face; the single-family dwellings are legally non-conforming uses; one structure is a one-story, 864 square-foot building set approximately 20 feet from the street; the second structure is a two-story, 1,337 square-foot building set approximately ten feet from the street; the proffered condition provides that new dwellings will have a building line consistent with the existing houses on the block face; the petition provides “downzoning” the subject parcels to a residential district which is compatible with the existing land use and zoning pattern facing the subject parcels on the south side of Church Avenue; single-family dwellings are the predominant land use in the 1200 block of Church Avenue; the petitioner plans to retain the two existing structures and construct three new dwellings on the original platted lots; the six vacant parcels have a total frontage of 195 feet; given the minimum lot frontage requirement of 50 feet in the RM-1, Residential Multifamily, Low Density District, a total of three principal dwellings can be constructed on the parcels; duplexes and townhouses are allowed only by special exception in a RM-1 district; the three proffered conditions by the petitioner ensure that new dwellings will be compatible with the massing and set-backs of the existing structures; and the proffer adopting the majority of the neighborhood design standards will provide for quality new development.

The City Planning Commission recommended approval of the request for conditional rezoning, given the petition’s proffered conditions and consistency with the prevailing land use pattern.

Mr. Dowe offered the following ordinance:

(#36864-092004) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke (1979), as amended, and Sheet No. 411, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned CN, Neighborhood Commercial District; and dispensing with the second reading by title of this ordinance.

(For Full text of ordinance, see Ordinance Book No. 69, Page 133.)

Mr. Dowe moved the adoption of Ordinance No. 36864-092004. The motion was seconded by Mr. Fitzpatrick.

Mr. Paul Crawford, Petitioner, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to speak in connection with the request for rezoning. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36864-092004 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Habitat for Humanity that a portion of a ten-foot alley, adjoining Official Tax Nos. 2130504-2130506, inclusive, and 2240102, and lying parallel to 12th Street, N. W., be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 3, 2004, and Friday, September 10, 2004.

A communication from Thomas J. Dalzell, Board of Directors, Habitat for Humanity in the Roanoke Valley, requesting that the public hearing be continued until March 2005, was before Council.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he advised that without objection by Council, the public hearing will be continued until March 2005.

EASEMENTS–HOSPITALS: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the proposed vacation of three water line easements, one sanitary sewer easement and one ingress/egress easement located at 1906 Belleview Avenue, S. E., in connection with expansion of the Carilion Medical Center facility known as Carilion Roanoke Memorial Hospital, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 10, 2004.

The City Manager submitted a communication advising that owners of property located at 1906 Belleview Avenue, S. E., identified as Official Tax No. 4060301, have requested that the City vacate water, sanitary sewer, and ingress/egress easements on the property; Carilion Medical Center will undergo a major expansion of facilities on the site which will necessitate that existing water and sanitary sewer lines be removed and relocated; subject easements are no longer needed since the sanitary sewer and water lines will be relocated to new easements that will be dedicated to the Western Virginia Water Authority in locations consistent with the proposed facility expansion; a plat attached to the communication shows an existing ingress/egress easement to be vacated, which easement is no longer needed by the City since the City does not own the property formerly served by the easement; and the plat has been reviewed by, and is acceptable to, the City Engineer.

The City Manager recommended that she be authorized to execute the appropriate documents vacating the existing water, sanitary sewer, and ingress/egress easements, with owners of the property to be responsible for preparation of all necessary documents, to be approved as to form by the City Attorney.

Mr. Cutler offered the following ordinance:

(#36865–092004) AN ORDINANCE authorizing the vacation of an ingress/egress easement and the vacation of certain water and sanitary sewer easements across Tax Map No. 4060301, located at 1906 Belleview Avenue, S. E., in exchange for new water and sanitary sewer easements which will be dedicated to the Western Virginia Water Authority, upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 134.)

Mr. Cutler moved the adoption of Ordinance No. 36865–092004. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or discussion by Council Members, Ordinance No. 36865-092004 was adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

BUDGET-TOTAL ACTION AGAINST POVERTY-MILL MOUNTAIN THEATRE-MUNICIPAL BUILDING: Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Monday, September 20, 2004, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to consideration of an adjustment to the City of Roanoke Fiscal Year 2004-2005 Budget, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, September 10, 2004; and in *The Roanoke Tribune* on Thursday, September 16, 2004.

The City Manager submitted a communication advising that Section 2-189 of the City Code establishes a reserve from the year-end General Fund balance for the funding of capital improvements and capital maintenance and equipment replacement; the amount reserved from the undesignated fund balance is calculated as ten per cent of total General Fund appropriations, less any sums paid for general debt service during the fiscal year; CMERP funding available for appropriations totals \$1,501,240.00; revenue for the Commonwealth of Virginia will increase \$436,000.00 above the estimate established with adoption of the fiscal year 2004-2005 General Fund budget; the total of all funding sources available for appropriations is \$1,937,240.00; and, in addition, \$1,100,000.00 of residual equity from the close-out of the Water and Sewer funds needs to be appropriated from the Capital Project Fund balance to the Municipal Building North Renovations project.

It was further advised that during fiscal year 2003-2004, funding in the amount of \$95,022.00 was transferred from the Fire-EMS Facility Improvement Program project to the Police Building Phase II project to facilitate building design and property acquisition needs, which funding needs to be restored to the Fire-EMS project account from funding appropriated in advance of bond issuance; funding in the amount of \$145,000.00 budgeted in the National Pollution Discharge Elimination System (NPDES) project account will be used by Transportation - Streets and Traffic for contracted services for storm drain maintenance/repair and purchase of a storm drain trailer unit;

Section 2-188.1 Reserve for self-insured liabilities, Code of the City of Roanoke (1979), as amended, stipulates that, at the conclusion of each fiscal year, \$250,000.00, to the extent available from any undesignated General Fund balance at the end of such fiscal year, shall be reserved for self-insured liabilities of the City; the maximum balance of the reserve is three per cent of the total General Fund appropriations for the concluded fiscal year; as such, at June 30, 2004, \$250,000.00 was reserved in the General Fund for self-insured liabilities; and a list of CMERP funding recommendations which is attached to the communication addresses the following categories:

• Contributions	\$ 350,500.00
• Carryover Funds	109,680.00
• Capital Improvements	1,111,000.00
• Equipment	116,060.00
• Technology	150,000.00
• Fleet Management	100,000.00
 Total	 \$1,937,240.00

It was explained that department CMERP funding requests totaled approximately \$8.9 million, excluding technology and vehicular related items; requests for technology related items/initiatives totaled an additional \$3.2 million; technology requests are reviewed and prioritized by the Information Technology Committee and a separate report will recommend appropriation of funds for technology needs; and all vehicular requests are reviewed by the Manager of Fleet Management and evaluated based upon an approved set of replacement criteria.

The City Manager recommended the following:

Authorize the Director of Finance to make the following revenue adjustments in the amount of \$436,000.00:

Recordation Tax (001-110-1234-0600)	(30,000.00)
Alcohol Beverage Control Tax (001-110-1234-0601)	(41,000.00)
Wine (Liter) Tax (001-110-1234-0602)	(6,000.00)
Commonwealth's Attorney (001-110-1234-0610)	21,000.00
Sheriff/Jail (001-110-1234-0611)	150,000.00
Commissioner of the Revenue (001-110-1234-0612)	6,000.00
Treasurer (001-110-1234-0613)	6,000.00
Street Maintenance (001-110-1234-0650)	113,000.00
City Jail Block Grant (001-110-1234-0651)	287,000.00
Local Law Enforcement (001-110-1234-0658)	(70,000.00)

Appropriate \$1,100,000.00 from Capital Projects Fund Balance to the Municipal North Renovation project; transfer funding in the amount of \$95,022.00 from the NPDES Project, Account No. 008-530-9678-9003, transfer funding in the amount of \$145,000.00 from the NPDES Project, Account No. 008-530-9736-9003 to a new account to be established in the Capital Projects Fund; appropriate \$250,000.00 reserved in the General Fund for self-insured liabilities to be transferred to the Risk Management Fund representing the transfer; and that Council concur in CMERP funding recommendations and appropriate funds to the proper accounts as more fully set forth in an attachment to the communication.

Mr. Dowe offered the following ordinance:

(#36866-092004) AN ORDINANCE to appropriate funding from the Capital Maintenance and Equipment Replacement Program (CMERP) and to make other funding appropriations and transfers, amending and reordaining certain sections of the 2004-2005 General, Civic Facilities, Capital Projects, Fleet Management and Risk Management Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book 69, Page 135.)

Mr. Dowe moved the adoption of Ordinance No. 36866-092004. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the public hearing.

John Jesse, representing Mill Mountain Theatre, expressed appreciation for the City's efforts to provide \$50,000.00 for a capital project to be undertaken by Mill Mountain Theatre to upgrade the performance stage which will have long term benefits for the citizens of the City of Roanoke. He stated that he would be remiss if he did not point out that a \$50,000.00 contribution to capital alone will not be sufficient to resolve the grave financial issues of the Mill Mountain Theatre, nor will it be enough to guarantee long term survival of the Theater. He stated that following the tragedy of 9-11 and the economic downtown, many regional theaters were forced to close their doors and Mill Mountain Theatre has been crippled by certain financial downturns; and, in addition, Mill Mountain Theatre has found itself in direct competition with the City of Roanoke. He advised that Mill Mountain Theatre has tried to be Roanoke's Performing Arts Theater for the past 40 years, having contributed over \$53,000.00 in the year 2002-2003 in admissions taxes alone.

He added that the City has protected cultural organizations in the Roanoke Valley on numerous occasions, the most recent being efforts to save the Grandin Theater, therefore, it is hoped that the City of Roanoke will do the same to help guarantee the success and future of Mill Mountain Theatre. He advised that a detailed funding request will be submitted in the near future to ensure another 40 years of continued operation by Mill Mountain Theatre.

Jere Hodgins, Executive Director, Mill Mountain Theatre, expressed appreciation to Council and to City officials who have supported the arts and cultural organizations, both as citizens and in their official capacities; and specifically for helping to bring Mill Mountain Theatre to the status that it currently holds as a nationally recognized regional theater, which is known for its world premiers and quality productions. He advised that Mill Mountain Theatre contributes to the economy of the Roanoke Valley by employing over 25 full time people who reside, pay taxes, shop and spend their money in the Roanoke area, Mill Mountain Theatre pays over \$600,000.00 in wages, over \$300,000.00 to local vendors, and over \$100,000.00 annually on insurance premiums with local insurance companies, and collects in the range of \$40,000.00 – \$53,000.00 per year in the City's admissions tax. He noted that Mill Mountain Theatre reinvests approximately 70 per cent of its budget back into the economy of the Roanoke region. He stated that Mill Mountain Theatre also serves as a primary entertainment and diversion venue in downtown Roanoke, the Theater is a major part of downtown Roanoke as a major destination point and overall attendance figures are in excess of 100,000 persons annually. In addition to the economic partnership with the City, he advised that Mill Mountain Theatre is involved in the community through school tours that reach over 25,000 students annually, and the Theater's vast array of educational programs feature classes for all ages and provide scholarships to those without the means to pay, youth auditions for theatrical events, evening programs for the 16 – 25 age group, and a free noon time series of presentations of new productions that has been a success with downtown employees who are looking for something to do as a diversion in their work day.

Mr. Hodgin closed his presentation by quoting from St. Francis of Assisi, "Start by doing what's necessary, then do what's possible, and finally suddenly, you are doing the impossible".

Vice-Mayor Fitzpatrick spoke in support of referring the request of Mill Mountain Theatre to 2005–2006 budget study and to the City Manager for report to Council. He stated that Council has been confronted with a tremendous challenge because to open the door to the request of the Mill Mountain Theatre will also open the door to numerous other cultural organizations that are in need of assistance by the City of Roanoke.

Council Member Wishneff spoke in support of the City Manager identifying a revenue stream(s) for cultural organizations.

Vice-Mayor Fitzpatrick encouraged the City Manager to present alternatives that will help not only Mill Mountain Theatre, but other cultural organizations that are in need of funding assistance.

Without objection by Council, the Mayor advised that the request of Mill Mountain Theatre for additional funding will be referred to the City Manager and to 2005-2006 budget study.

Council Member Cutler called attention to the \$100,000.00 proposed for Total Action Against Poverty/Dumas for renovation of the Dumas facility and advised that based on questions with regard to the financial status of the Dumas/Harrison Museum project, it is requested that Council authorize the \$100,000.00 proposed for the Dumas, but that the funds not be released until certain questions regarding sources of financing are addressed to the satisfaction of the City Manager.

Without objection by Council, the Mayor advised that it was so ordered.

There was discussion in regard to Municipal North renovations which involves returning to the Municipal Building certain City departments and/or activities that are currently housed at other locations, an offer of space to the Roanoke Redevelopment and Housing Authority to locate certain offices in downtown Roanoke; relocation of the Parks and Recreation Administrative Offices which are currently located on Reserve Avenue to the Municipal Building; and realignment of spaces in Municipal South and North, all of which was a part of the original plan when the decision was made to transfer Social Services employees from Municipal North to the Civic Mall on Williamson Road.

Mr. Wishneff moved that Ordinance No. 36866-092004 be amended to deduct \$50,000.00 from the Municipal North Renovation project to be applied toward purchase of the Oliver Hill House. The motion was seconded by Mr. Lea.

There was discussion in regard to future administration, management and maintenance of the Oliver Hill house and whether or not funds should be appropriated by the City before matching funds have been raised by the Oliver Hill Foundation.

During further discussion of the matter, the Vice-Mayor advised that the City is faced with the challenge of trying to preserve the Mill Mountain Theatre, which is a 40 year old organization that makes a tremendous contribution to the region; preservation of the Oliver Hill residence is not a 100 per cent responsibility of the City of Roanoke; more progress will be gained by working through partnerships with other organizations; and it would be inappropriate for the City to provide 100 per cent funding for the Oliver Hill house.

In response, Council Member Wishneff advised that in recent years, projects such as the Grandin Theater, the Art Museum, Shenandoah Hotel, the Roanoke Higher Education Center and others have involved initial funding by the City of Roanoke and then challenging the community to make its contributions. He stated that he was not suggesting that the City of Roanoke should fund the entire Oliver Hill house project.

Following further discussion, the amendment to Ordinance No. 36866-092004 offered by Mr. Wishneff, seconded by Mr. Lea, to deduct \$50,000.00 from the Municipal North Renovation project to be applied toward purchase of the Oliver Hill House, was lost by the following vote:

AYES: Council Members Lea and Wishneff-----2.

NAYS: Council Members Cutler, Dowe, Fitzpatrick, McDaniel and Mayor Harris-----5.

Council Member Dowe advised that he serves in an unpaid capacity as a member of the Board of Directors of Center in the Square which is the organization that oversees the Mill Mountain Theatre, and inquired if he has a conflict of interest.

The City Attorney advised that inasmuch as Mr. Dowe's directorship is an unpaid position, he does not have a conflict of interest.

Ordinance No. 36866-092004 was adopted by the following vote:

AYES: Council Members Cutler, Dowe, Fitzpatrick, Lea, McDaniel and Mayor Harris-----6.

NAYS: Council Member Wishneff-----1.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

DRUGS/SUBSTANCE ABUSE: Ms. Judy Ferguson, 1713 Coveland Drive, N. W., spoke in opposition to the proposed methadone clinic on Hershberger Road/Cove Road. She stated that National Specialty Clinic, Inc. (NSC) business license has expired under the name of Roanoke Treatment Center and the facility is currently State licensed under the name of Appalachian Treatment Center; National Specialty Clinic, Inc., sold all of its clinics in December 2003, therefore, a question has been raised as to how the treatment center can operate in the Hershberger Road location under another name. She also raised questions as to how the Occupancy License can be transferred to the new owners.

She stated that representatives of the treatment center have advised that a site which was proposed at the former Roanoke-Salem Plaza is not suitable for their operation; however, approximately 84 current treatment sites are located in suites, on second floors of buildings, and in shopping center malls. She called attention to approximately 2000 children who attend schools in the area and existing traffic congestion. She referred to petitions signed by concerned citizens who reside on Ferncliff Avenue, Coveland Drive, Aspen Street, and Abbott Street, N. W. (The petition was not filed with the City Clerk.)

Ms. Ferguson indicated that she had other questions; whereupon, the Mayor requested that she provide her remarks in writing to the City Clerk to be forwarded to the City Manager and to the City Attorney for response. (No written statement was filed with the City Clerk.)

At 8:10 p.m., the Mayor declared the Council meeting in recess for continuation of a Closed Session.

At 9:10 p.m., the Council meeting reconvened in the City Council Chamber, with all members of the Council in attendance, Mayor Harris presiding.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Dowe moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris -----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-ROANOKE NEIGHBORHOOD PARTNERSHIP: The Mayor advised that there is a vacancy on the Roanoke Neighborhood Advocates created by expiration of the term of office of Shirley M. Bethel, ending June 30, 2007; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of Earnest Wilson.

There being no further nominations, Mr. Wilson was appointed as a member of the Roanoke Neighborhood Advocates, for a term ending June 30, 2007, by the following vote:

FOR MR. WILSON: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

OATHS OF OFFICE-COMMITTEES-BUILDINGS: The Mayor advised that the term of office of Harry F. Collins, Jr., as a member of the Local Board of Building Code Appeals, will expire on September 30, 2004; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Fitzpatrick placed in nomination the name of Harry F. Collins, Jr.

There being no further nominations, Mr. Collins was reappointed as a member of the Local Board of Building Code Appeals, for a term ending September 30, 2009, by the following vote:

FOR MR. COLLINS: Council Members McDaniel, Wishneff, Cutler, Dowe, Fitzpatrick, Lea and Mayor Harris-----7.

At 9:15 p.m., the Mayor declared the Council meeting in recess until Friday, September 24, 2004, at 12:00 noon, for the Regional Leadership Summit Luncheon, to be hosted by Bedford County at the Olde Liberty Station Restaurant, 515 Bedford Avenue, Bedford, Virginia.

The City Council meeting reconvened on Friday, September 24, 2004, at 12:05 p.m., at the Olde Liberty Station Restaurant, 515 Bedford Avenue, Bedford, Virginia, for a meeting of representatives of the Regional Leadership Summit.

PRESENT: Council Members M. Rupert Cutler, Sherman P. Lea and Vice-Mayor Beverly T. Fitzpatrick, Jr.-----3.

ABSENT: Council Members Alfred T. Dowe, Jr., Brenda L. McDaniel, Brain J. Wishneff, and Mayor C. Nelson Harris-----4.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; and Stephanie M. Moon, Deputy City Clerk.

Also present were: Wayne G. Strickland, Executive Director, Roanoke Valley Alleghany Regional Commission; Pete Larkin, Congressman Bob Goodlatte's aide; Jeffrey S. Heller, Assistant Vice-President, International Marketing and Sales, Norfolk Southern Corporation; members of City Councils/Boards of Supervisors and staff of the following localities: Alleghany County, Bedford County, Craig County, Franklin County, Roanoke County, City of Bedford, City of Covington, City of Salem, and Town of Vinton.

Mr. Strickland presented copy of the 2004 Regional Legislative Agenda and the Industry Cluster Analysis. He advised that the 2004 Regional Legislative Agenda consists of recommendations from local governments in the Alleghany Highlands and Roanoke Valley to the Virginia General Assembly with regard to education, taxing and funding, and local authority.

He further advised that the Fifth Planning District Regional Alliance has released an analysis of industry clusters for the NewVA Region of Virginia that identifies eight high-paying industry groups that are likely to have a significant impact of economic growth in the region; the Regional Alliance commissioned the study with the Center for Regional Economic Competitiveness and the Roanoke Valley-Alleghany Regional Commission; and the NewVA Region includes the counties and cities in the Roanoke Valley, Alleghany Highlands and the New River Valley.

(For full text, see copies of the 2004 Regional Legislative Agenda and the Industry Cluster Study on file in the City Clerk's Office.)

Bobby Pollard, Chairman, Bedford County Board of Supervisors, welcomed participants to the meeting. He highlighted various accomplishments of Bedford County and the City of Bedford, such as the Montvale Chamber of Commerce, the Loudon Business and Technology, a proposed Virginia Technology Facility designated as a Technology Zone, and a New Welcome Center. He pointed out that Bedford County is surrounded by various tourist destinations, i.e.: the Peaks of Otter, the Blue Ridge Parkway, Smith Mountain Lake, Thomas Jefferson National Forest, Explore Park, and the National D-Day Memorial, and invited participants of the Leadership Summit to tour the City of Bedford and Bedford County following adjournment of the meeting.

PERSONAL PROPERTY TAX REDUCTION ACT (PPTRA-Car Tax Reductions): Elmer Hodge, County Administrator, Roanoke County, called attention to budget shortfalls in 2006, totaling almost \$100 million that localities could lose in connection with the Personal Property Tax Reduction Act (PPTRA). He advised that local government leaders are asking State lawmakers to correct the error - which affects 42 cities, counties and towns, including the cities of Roanoke, Salem, Richmond, Virginia Beach and Covington, the Counties of Roanoke, Chesterfield, and Henrico, and the Town of Vinton.

He further advised that the Virginia Municipal League estimates that reconciling the mistake will cost the State approximately \$250 million; the problem is a change in the car-tax subsidy system that was part of legislation approved by the General Assembly and signed into law by Governor Mark R. Warner last spring; legislators involved in drafting the legislation were not aware of the oversight until recently; and if the legislature fails to act, local officials will be forced to cut programs or raise other taxes to make up for the shortfalls.

Mr. Hodge stated that the problem will occur in 2006, when the State is scheduled to change the way it reimburses localities for a portion of car-tax revenues; the State has paid a portion of residential car taxes since 1998; and the change affects only those localities that mail car-tax bills to residents in the spring of 2005, including the Hampton Roads, Richmond and Roanoke regions; and the majority of local governments, including Northern Virginia, mail their tax bills in the fall, therefore, they are not affected by the change.

He further stated that under the existing system, local governments collect car-tax reimbursements from the State almost immediately after receiving payments from vehicle owners; beginning in 2006, the State will pay each locality a flat fee each year instead of linking reimbursements to the total value of car-tax bills; and because the State's budget year runs from July through June, the action provided an extra \$250 million to spend on public education and other State programs during the fiscal year ending June 30, 2006.

Mr. Hodge indicated that the PPTRA/SB 2005 Working Group convened by the Secretary of Finance, with representation from VML, VACo, the Commissioners of the Revenue Association and the Treasurers' Association, will discuss potential solutions and make recommendations for budget and/or legislative action to address the matter. He encouraged each locality to schedule a meeting with its legislative representatives to discuss the car-tax issue.

INTERMODAL FREIGHT ISSUES: Jeffrey S. Heller, Assistant Vice-President, International Marketing and Sales, Norfolk Southern Corporation, advised that there has been a big shift with regard to how the railroad conducts onshore business, most significantly coal, which is 30 per cent of the railroad's business and generates considerable revenue; and the biggest growth generated in the last five to ten years is the intermodal business which has consisted of close to 20 per cent of the railroad's business during the first half of 2004.

Mr. Heller further advised that as long as NS services are competitive with trucks and its cost is less, this is a cost effective way to do business in the United States. He presented the following information with regard to the Heartland Corridor:

The Heartland Corridor is a portfolio of intermodal based projects designed to significantly improve mobility and increase freight capacity between the Mid-Atlantic regions of Virginia and North Carolina, and the Midwest and West Virginia.

Key Project Components:

- “Central Corridor Double-Stack Project”
double-stack clearances between Roanoke, Virginia,
through West Virginia to Columbus, Ohio
New Intermodal Terminals
Prichard, West Virginia
- Expanded Intermodal Capacity
Columbus, Ohio – Rickenbacker Airport
Roanoke, Virginia – New Terminal
- “Western Freeway Rail Corridor”
- Rail relocation project in Portsmouth, Virginia

Supporting Projects Outside of Scope

- Terminal expansion – Front Royal, Virginia
- New Terminal – Petersburg, Virginia
- New classification facility – between Suffolk and Petersburg, Virginia

Qualified Benefits of the Central Corridor Double-Stack Project

- Provides a new intermodal facility in western Virginia, a region that currently has no intermodal connections to the domestic and global intermodal network.
- Provides new, lower cost intermodal freight transportation options to shippers in the Appalachian regions of West Virginia, eastern Kentucky, and southeastern Ohio. This infrastructure improvement will provide a base for attracting new business to the region.
- Facilitates conversion of freight from highway to rail, reduces traffic congestion on key highways along the Heartland Corridor.
- Reduces emissions by up to 75 per cent on freight converted to rail.

Expanded Terminal Capacity

The Heartland Corridor project will create significant new intermodal capacity in Columbus, Ohio, and Roanoke, Virginia. This project provides for a major new state-of-the-art intermodal facility adjacent to the Columbus Regional Airport Authority's Rickenbacker International Airport, south of Columbus.

This project provides for a new 17,000 lift intermodal facility in the Roanoke Valley region of western Virginia.

Phase I Capacity, Rickenbacker: 250,000
 Phase I Capacity, Discovery Park: 100,000
 Phase I Capacity, Roanoke: 17,000

Cost: \$76 million

The new facility in the Roanoke Valley would be similar in scope and design to the Norfolk Southern's new facility in Cleveland, Ohio.

- **Project Cost Summary**

Central corridor double-stack initiative and Prichard Intermodal Terminal – \$130 million
 New terminal capacity in Columbus, Ohio, and the Roanoke, Valley – \$76 million
 Western Freeway Rail Relocation Project – \$60 million
 Total – \$266 million

- **Response to why Roanoke? Why now?**
 Growth in east coast City of Norfolk ports
 Growth of All Water Asia – United States steamship services
 Roanoke at the crossroads of the I-64 and I-81 corridors

Local Markets growing

Overall Benefits of the Heartland Corridor Project

Improved mobility for motorists and truck freight along the Heartland Corridor, including some mobility benefits on the I-81 segment between Staunton and Lexington, Virginia

Environmental benefits from reduced emissions through use of more efficient rail transportation

Economic, tax and employment benefits from the introduction of new or expanded Intermodal capacity along the Heartland Corridor

Preservation of rail infrastructure and employment on a rail corridor facing declines in other traditional rail traffic in Roanoke and West Virginia

Reduced shipping costs for shippers along or shipping via the Heartland Corridor

Improved access to the global trade network for shippers and manufacturers in Virginia, West Virginia, Eastern Kentucky and Ohio.

In closing, Mr. Heller expressed appreciation to Congressman Goodlatte for his support, and encouraged representatives of the localities to speak with their constituents on the local, state and national level in support of the Heartland Corridor project.

OTHER BUSINESS/ANNOUNCEMENTS:

Mr. Strickland announced that the Mayors and Chairs Meeting will be held on Friday, November 12, 2004, at 11:00 a.m., in Alleghany County. He also announced that the next Regional Leadership Summit will be held in January 2005; and Craig County has volunteered to host a Regional Leadership Summit in the spring of 2005.

There being no further business, the Vice-Mayor declared the meeting of Roanoke City Council adjourned at 1:15 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

C. Nelson Harris
Mayor

ROANOKE CITY COUNCIL

OCTOBER 7, 2004

12:00 p.m.

EMERGENCY OPERATIONS CENTER CONFERENCE ROOM

ROOM 159

The Council of the City of Roanoke and the Board of Commissioners of the Roanoke Redevelopment and Housing Authority (RRHA) met in a joint meeting on Thursday, October 7, 2004, at 12:00 p.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor Beverly T. Fitzpatrick, Jr., and Chairman Ben J. Fink presiding.

ROANOKE CITY COUNCIL MEMBERS PRESENT: M. Rupert Cutler, Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff (arrived at 12:45 p.m.) and Vice-Mayor Beverly T. Fitzpatrick, Jr.-----5.

ABSENT: Mayor C. Nelson Harris and Council Member Alfred T. Dowe, Jr.-----2.

ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY BOARD OF COMMISSIONERS PRESENT: Gregory W. Feldmann, Anita M. Powell, Christie L. Wills and Chairman Ben J. Fink-----4.

ABSENT: Commissioner Gregory M. Cupka-----1.

(The terms of office of Commissioners H. Victor Gilchrist and James W. Burks, Jr., expired on August 31, 2004.)

OTHERS PRESENT: Representing the City of Roanoke: George C. Snead, Jr., Assistant City Manager for Operations; Rolanda B. Russell, Assistant City Manager for Community Development; Jesse A. Hall, Director of Finance; Timothy Spencer, Assistant City Attorney; and Mary F. Parker, City Clerk. Representing the RRHA: John P. Baker, Executive Director; Earl B. Reynolds, Jr., Deputy Executive Director; John P. Grove, Attorney; and Sue Marie Worline, Secretary.

The meeting was opened with a prayer by Vice-Mayor Fitzpatrick.

HOUSING/AUTHORITY: Following lunch, the Vice-Mayor welcomed Commissioners of the Roanoke Redevelopment and Housing Authority and staff to the meeting. He expressed appreciation to the RRHA for continuing partnership efforts with the City, and welcomed newly appointed Commissioner Anita Powell to her first joint meeting of Council and the RRHA.

The Vice-Mayor referred specifically to the Southeast by Design project and the efficiency of the RRHA in the handling of various documents in connection with the project. He made reference to a recent comment by an unidentified person that it is interesting to see City government and the private sector working together on a project such as Southeast by Design. He called attention to the importance of continuing to hold joint meetings of the Council and the RRHA to discuss matters of mutual interest and concern to both entities. He noted that the Memorandum of Understanding between Council and the RRHA was to be discussed at the meeting, but inasmuch as the Mayor and the City Manager were not present, the item would be held in abeyance for discussion at a future joint meeting.

On behalf of the RRHA, Chairman Fink expressed appreciation for the opportunity to meet with Council and for the kind of working relationship that has existed between the Council and the RRHA.

OVERVIEW OF THE HENRY STREET PROGRAM (TAP, DUMAS, ROANOKE HIGHER EDUCATION CENTER, AND THE CULINARY INSTITUTE):

Chairman Fink advised that it is hoped that the Roanoke Neighborhood Development Corporation (RNDC) will propose a viable project in the near future for the Henry Street area. He referred to the site of the Dumas Center and two adjacent parcels of land and advised that Total Action Against Poverty (TAP) has requested that the Board of Commissioners donate certain land adjacent to the Dumas for the project; and TAP has provided financial information that will be reviewed by the Board of Commissioners at its November meeting. He stated that the Board of Commissioners is waiting to hear from the Executive Director of the Roanoke Higher Education Center regarding the status of the Culinary Institute which is planned for the old Ebony Club building and the small building next to the structure.

The Vice-Mayor made the observation that Henry Street has been a topic of discussion for a long time, yet nothing is currently underway that would create a critical mass; and Council has taken a leadership role by determining the bridge location which should help RNDC and the RRHA in considering potential opportunities for the area. He called attention to the importance of proactively assisting RNDC and advised that The Hotel Roanoke and Conference Center, the Roanoke Higher Education Center and new parking has provided a level of synergy around the property. He asked that the RRHA advise as to how Council might be of assistance to RNDC and to the RRHA in their efforts to move forward in this vibrant part of the City.

Council Member Cutler expressed concern that there has been a kind of piecemeal approach to this sub region of the City that includes the RRHA, RNDC, TAP, the Dumas Center, the Roanoke Higher Education Center, the Culinary Arts project, the First Street Bridge, the river walk across the rail walk, the Oliver Hill house, and Lick Run Greenway. He spoke in support of integration of the various projects.

The Vice-Mayor requested that City staff and RRHA staff determine if there is an opportunity for representatives of the two entities to come together to discuss ways to create more of a sense of urgency to get something done in the Henry Street area.

Council Member Wishneff entered the meeting.

Council Member McDaniel inquired if there is an umbrella organization that is charged with the responsibility of over seeing the various projects; whereupon, the Vice-Mayor advised that the RRHA would be the appropriate entity to call all of the parties to the table for discussion.

Chairman Fink advised that the RRHA Board of Commissioners will review the request with staff and submit a recommendation to Council.

Commissioner Feldmann advised that the role of the RRHA is to serve as a catalyst for this type of activity which will tie in with future discussions on the Memorandum of Understanding between Council and the RRHA. He stated that the Downtown Music Lab will also play a role in the development of the Henry Street area.

Mr. Snead advised that he will convey the message of Council to the City Manager as to the importance of a round table, thorough and complete discussion regarding the Henry Street area by engaging all of the key players to ensure that all components are addressed.

OTHER DISCUSSION ITEMS:

A question was raised with regard to Project Gold (Gainsboro Project); whereupon, the Executive Director advised that the RRHA has partnered with Blue Ridge Housing Development Corporation, the community has been advised of opportunities for housing rehabilitation, applications are currently being accepted for rehabilitation loans, rehabilitation efforts will focus on occupied buildings, and Blue Ridge Housing Development Corporation is looking at opportunities to purchase land and vacant houses to rehabilitate and to sell.

Chairman Fink called attention to a revitalization area known as Cherry Avenue in the Gainsboro area will have an impact on the Gainsboro community, which will target rehabilitation funds for the neighborhood and could provide housing in the price range of \$150,000.00 or more.

The Executive Director advised that the RRHA recently received a \$250,000.00 Neighborhood Network Grant which was made available to localities that administer Hope VI programs. He stated that as a result of the Villages at Lincoln, the RRHA competed with 44 cities throughout the United States and was chosen as one of 20 cities to be awarded a \$250,000.00 grant to help residents in their efforts to reach self-sufficiency. He explained that the grant will be used to help coordinate efforts to provide training and resources through computers, using online services, and training will focus on all age groups.

Question was raised in regard to the lead-based paint project; whereupon, the Executive Director advised that corrective action has commenced on the first group of houses, which varies from the removal of flaking paint, to painting over the structure, to encapsulating with siding, and/or other more major types of rehabilitation.

In closing, Vice-Mayor Fitzpatrick commended the RRHA on the transformation that resulted from the Hope VI Project which appears to have brought a much better quality of life to public housing residents. He further commended the Housing Authority on a smooth transition of residents from one part of the housing complex to another during the construction phase, and overall efforts by the RRHA to help residents become self-sufficient.

COUNCIL: A communication from Vice-Mayor Beverly T. Fitzpatrick, Jr., requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committee appointed by Council, and to interview applicants for vacancies on the Roanoke Redevelopment and Housing Authority and the Architectural Review Board, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council convene in a Closed Meeting as above described. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

There being no further business, at 1:10 p.m., the Vice-Mayor declared the meeting of Council in recess until 2:00 p.m., in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

October 7, 2004

2:00 p.m.

The Council of the City of Roanoke met in regular session on Thursday, October 7, 2004, at 2:00 p.m., the regular meeting hour, in the Roanoke City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Vice-Mayor Beverly T. Fitzpatrick, Jr., presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36861-092004 adopted by Council on September 20, 2004, which changed the time of commencement of the regular meeting of Council to be held at 9:00 a.m., on Thursday, October 7, 2004, to 12:00 p.m., and pursuant to Resolution No. 36762-070604 adopted by Council on Tuesday, July 6, 2004, which established the meeting schedule for the fiscal year commencing July 1, 2004 and ending June 30, 2005.

PRESENT: Council Members Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff, M. Rupert Cutler, and Vice-Mayor Beverly T. Fitzpatrick, Jr.-----5.

ABSENT: Mayor C. Nelson Harris and Council Member Alfred T. Dowe, Jr.-----2.

The Vice-Mayor declared the existence of a quorum.

OFFICERS PRESENT: George C. Snead, Jr., Assistant City Manager for Operations; Timothy Spencer, Assistant City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member Sherman P. Lea.

The Pledge of Allegiance to the Flag of the United States of America was led by Vice-Mayor Fitzpatrick.

PRESENTATIONS AND ACKNOWLEDGMENTS:

PROCLAMATIONS-DISABLED PERSONS: The Vice-Mayor presented a proclamation to Christene Montgomery, Chair, Mayor's Committee for People with Disabilities, declaring October 2004, as National Disability Employment Awareness Month.

PROCLAMATIONS-HEALTH DEPARTMENT: The Vice-Mayor presented a proclamation to Charles Wohlford, President NAMI of Roanoke Valley, declaring October 3 - 9, 2004, as Mental Illness Awareness Week.

PROCLAMATIONS–FIRE DEPARTMENT: The Vice-Mayor presented a proclamation to James Grigsby, Chief of Fire/Ems, declaring October 3 – 9, 2004, as Fire Prevention Week.

CONSENT AGENDA

The Vice-Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, the item would be removed from the Consent Agenda and considered separately.

DIRECTOR OF FINANCE–CITY CLERK–OATHS OF OFFICE–FIRE DEPARTMENT–CITY ATTORNEY–COMMITTEES–HOUSING/AUTHORITY–CABLE TELEVISION–PARKS AND RECREATION–MUNICIPAL AUDITOR: The following reports of qualification were before Council:

William M. Hackworth as City Attorney; Jesse A. Hall as Director of Finance; Mary F. Parker as City Clerk; and Troy A. Harmon as Municipal Auditor, for two year terms of office, commencing October 1, 2004, and ending September 30, 2006;

Roger B. Holnback as a member of the Parks and Recreation Advisory Board, for a term ending March 31, 2007;

Edwin L. Noell as a member of the Board of Fire Appeals, for a term ending June 30, 2008;

Althea L. Pilkington as a member of the Roanoke Neighborhood Advocates, to fill the unexpired term of Joseph A. Schupp, resigned, ending June 30, 2006; and

Anita M. Powell as a Commissioner of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2008.

Mr. Cutler moved that the reports of qualification be received and filed. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS: NONE.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

HOUSING/AUTHORITY-GRANTS: The City Manager submitted a communication advising that since 1996, Blue Ridge Housing Development Corporation (BRHDC) has successfully conducted housing programs for the City of Roanoke using Community Development Block Grant (CDBG) and HOME Investment Partnerships Program (HOME) funds; on May 13, 2004, Council authorized Blue Ridge Housing Development Corporation's 2004-2005 Community Development Block Grant and HOME activities and funding pursuant to Resolution No. 36695-051304, which approved the City's 2004-2005 Annual Update to the Consolidated Plan for submission to the U. S. Department of Housing and Urban Development; Council accepted 2004-2005 Community Development Block Grant and HOME funds on June 21, 2004, pursuant to Ordinance No. 36719-062104 and Resolution No. 36720-062104, pending approval from HUD; and grant agreements with HUD have since been signed.

It was further advised that in order for Blue Ridge Housing Development Corporation to conduct its approved 2004-2005 housing activities, authorization by Council to execute a subgrant agreement with BRHDC is needed; the necessary Community Development Block Grant and HOME funding is available and identified in an attachment to the communication; and a total of \$513,147.00 will be provided to Blue Ridge Housing Development Corporation under the agreement for new homeownership activities.

The City Manager recommended that she be authorized to execute the 2004-2005 Community Development Block Grant/HOME Subgrant Agreement with Blue Ridge Housing Development Corporation, to be approved as to form by the City Attorney.

Mr. Cutler offered the following resolution:

(#36867-100704) A RESOLUTION authorizing the appropriate City officials to execute the subgrant Agreement with the Blue Ridge Housing Development Corporation to conduct 2004-2005 housing activities using Community Development Block Grant ("CDBG") and HOME Investment Partnerships Program funds in the amount of \$513,147.00, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 137.)

Mr. Cutler moved the adoption of Resolution No. 36867-100704. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

HEALTH DEPARTMENT-BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the City of Roanoke Department of Social Services and the State Health Department entered into an agreement in 1994 to establish an Eligibility Worker position through the Department of Social Services to be placed at the Roanoke Health Department to ensure that all citizens have an opportunity to apply for Medicaid; and the Agreement will remain in effect until modified by mutual consent or operation of law.

It was further advised that total cost of the position is \$38,050.00; and approximately 50 per cent of the cost will be reimbursed from Federal Medicaid administrative funds, with the Health Department reimbursing the remaining cost.

The City Manager recommended that she be authorized to continue the services of the Eligibility Worker stationed at the Health Department in accordance with the original agreement; that Council appropriate funds, as follows, in accounts to be established in the Grant Fund by the Director of Finance; and establish a revenue estimate of \$38,050.00 from State and Federal sources.

•	Salary	\$28,874.00
•	City Retirement	2,823.00
•	ICMA Match	650.00
•	FICA	2,104.00
•	Health Ins.	3,300.00
•	Dental Ins.	221.00
•	Disability Ins.	<u>78.00</u>
		<u>\$38,050.00</u>

Ms. McDaniel offered the following budget ordinance:

(#36868-100704) AN ORDINANCE to appropriate funding for the Eligibility Worker position, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 138.)

Ms. McDaniel moved the adoption of Ordinance No. 36868-100704. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

Mr. Cutler offered the following resolution:

(#36869-100704) A RESOLUTION authorizing the City Manager to continue the services of the Eligibility Worker stationed at the Health Department in accordance with the original Agreement between the Roanoke City Department of Social Services, the State Health Department and the Virginia Department of Social Services, upon certain terms and conditions.

(For full text of resolution, see Resolution Book No. 69, Page 139.)

Mr. Cutler moved the adoption of Resolution No. 36869-100704. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

POLICE DEPARTMENT-BUDGET-DIVISION OF MOTOR VEHICLES-GRANTS:
The City Manager submitted a communication advising that the Virginia Department of Motor Vehicles (DMV) is the administering agency for pass through funds provided by the United States Department of Transportation for highway safety projects in Virginia; and DMV offers funds to successful applicants for activities which improve highway safety in Virginia.

It was further advised that the Roanoke Police Department has been awarded grant funding for the period October 1, 2004 through September 30, 2005, in the amount of \$20,000.00 for the following projects:

Overtime and related FICA expenditures associated with conducting selective enforcement activities which target Driving Under the Influence (DUI), speeding, and motor vehicle occupant safety.

For the purchase of 32 rechargeable battery-powered flare/flasher units.

For the purchase one 5' x 8' DUI checkpoint trailer.

For the purchase of radar units and portable traffic sensors and software. The equipment will be used to monitor speed and enforce traffic laws during periodic aggressive driver enforcement initiatives.

It was explained that there is a statistical correlation between levels of motor vehicle law enforcement and traffic accidents in the City of Roanoke; historically, speed and alcohol are factors in 17 per cent of Roanoke's motor vehicle accidents; and the program allows police officers to concentrate on alcohol impaired drivers and speeders at times when such violations are most likely to occur.

The City Manager recommended that Council accept the Driver/Occupant Awareness grant, and that she be authorized to execute grant agreements and any related documents, subject to approval as to form by the City Attorney; and that Council appropriate funds totaling \$20,000.00 and establish corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund.

Ms. McDaniel offered the following budget ordinance:

(#36870-100704) AN ORDINANCE to appropriate funding for the Driver/Occupant Awareness Grant, the Flare Flasher DUI Checkpoint Trailer Grant and the Enhanced Speed Enforcement Grant, amending and reordaining certain sections of the 2004-2005 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 69, Page 140.)

Ms. McDaniel moved the adoption of Ordinance No. 36870-100704. The motion was seconded by Mr. Lea and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

Ms. McDaniel offered the following resolution:

(#36871-100704) A RESOLUTION accepting the Driver/Occupant Awareness grant offer made to the City by the Virginia Department of Motor Vehicles, and authorizing execution of any required documentation approved as to form by the City Attorney.

(For full text of resolution, see Resolution Book No. 69, Page 141.)

Ms. McDaniel moved the adoption of Resolution No. 36871-100704. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

EMERGENCY SERVICES-FLOOD REDUCTION/CONTROL: The City Manager submitted a communication advising that the City experienced a flood event commencing on Tuesday, September 28, 2004, which resulted in both public and private damage and significant cost to the City in dealing with the impact of the emergency; and an initial estimate of cost for the event, including damage to public property and damage to homes and businesses, is estimated at \$4 million, which estimates are subject to change as findings are updated and insurance estimates are received.

It was further advised that damage estimates, the slow economy, and reductions in State funding limit the City's ability to cover the cost of expenses resulting from these events; on September 28, 2004, the City Manager declared a local emergency as a result of the flood.

It was explained that the declaration of a local emergency does not automatically guarantee that State and Federal financial assistance will be provided; and the Governor will make a decision on whether or not to request Federal assistance, once state-wide damage estimates are received.

The City Manager recommended that Council confirm her action to declare the existence of a local emergency for a flood commencing on September 28, 2004.

Mr. Cutler offered the following resolution:

(#36872-100704) A RESOLUTION confirming the declaration of a local flooding emergency; conferring emergency powers in the City Manager as Director of Emergency Management; authorizing the City Manager to make application for Federal and State public assistance to deal with such emergency; designating a fiscal agent and an agent for submission of financial information for the city; and calling upon the Federal and State governments for assistance.

(For full text of resolution, see Resolution Book No. 69, Page 142.)

Mr. Cutler moved the adoption of Resolution No. 36872-100704. The motion was seconded by Ms. McDaniel.

Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that Victory Stadium would not have flooded if the flood wall had been constructed. He stated that Victory Stadium and the football field could have been ready for local high school football games if more attention had been given to cleaning up the facility following the recent flood event in the City of Roanoke.

Resolution No. 36872-100704 was adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

DIRECTOR OF FINANCE:

AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the City of Roanoke for the month of August 2004.

(For full text, see financial report on file in the City Clerk's Office.)

Without objection by Council, the Mayor advised that the Financial Report for the month of August 2004 would be received and filed.

REPORTS OF COMMITTEES: NONE.

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

BONDS/BOND ISSUES-SCHOOLS: A communication from George J. A. Clemo, Attorney, advising that on August 16, 2004, Council adopted Resolution No. 36816-081604 authorizing the filing of an application with the Virginia Public School Authority (VPSA) for bond financing of \$1,300,000.00 for capital improvements at Lincoln Terrace Elementary School and authorizing publication of a notice for public hearing required under the Public Finance Act before the bonds may be issued; a Virginia Public School Authority application was filed on August 25, 2004; and a public hearing was held by Council on September 7, 2004, on the proposed bond issue, was before the body.

Mr. Cutler offered the following resolution:

(#36873-100704) A RESOLUTION authorizing the issuance of not to exceed \$1,300,000.00 general obligation school bonds of the City of Roanoke, Virginia, Series 2004-A, to be sold to the Virginia Public School Authority and providing for the form and details thereof.

(For full text of resolution, see Resolution Book No. 69, Page 143.)

Mr. Cutler moved the adoption of Resolution No. 36873-100704. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

ARMORY/STADIUM - CITY COUNCIL - FLOOD REDUCTION/CONTROL-SCHOOLS: Council Member Wishneff advised that at the next meeting of Council on Monday, October 18, 2004, when all members of the Council and the City Manager are in attendance, he would request a closed meeting of Council to discuss the performance of certain City personnel.

He expressed concern in regard to recent newspaper articles regarding flooding conditions at Victory Stadium as a result of Hurricane Jeanne on September 28, 2004, and remarks by certain City employees relative to whether flooding would have occurred if the flood wall had been constructed. He stated that there is no higher priority in the City of Roanoke than its youth, and expressed concern over the City's apparent lack of efforts to clean up Victory Stadium following the flood in time for the Patrick Henry High School Homecoming Football Game which was scheduled to be played on Friday, October 8.

Council Member Lea concurred in the remarks of Mr. Wishneff and spoke in support of developing a contingency plan to move high school football games to other venues in the Roanoke area if the Victory Stadium field is not in a condition to allow for high school football games to be played during the remainder of the season. He expressed concern that the City's efforts to clean up Victory Stadium appeared to be lagging behind those of another Roanoke Valley locality.

George C. Snead, Jr., Assistant City Manager for Operations, was requested to provide a status report on the condition of the Victory Stadium field.

Mr. Snead called attention to previous remarks regarding the condition of the Moyer Sports Complex in the City of Salem, which was cleaned up following the flood and is now ready for use. He explained that the Moyer Sports Complex contains a substantial amount of sand as a part of the field substructure in both the end field and the grassed area and has a tendency to drain faster than Victory Stadium which has very little sand in its subsoil base and tends to drain slowly, therefore, it is a challenge to maintain the field when it is saturated. He stated that in examining the condition of Victory Stadium following the flood, it was the opinion of City staff that since the field was highly saturated, there would be more damage to the field if the football game were allowed to be played, therefore, a decision was made to not allow activity on the Victory Stadium field in an effort to salvage the field for the balance of the football season. He advised that a considerable amount of work was done on the inside of Victory Stadium, i.e.: public restrooms and locker rooms, etc., but no water was interjected around the track area or on the stadium field.

In response to Mr. Lea's question, Mr. Snead advised that there were conversations with school principals and athletic directors in regard to evaluating the Victory Stadium field and reaching a consensus on its playability for football, and no discussions have taken place with school officials in regard to identifying a contingency plan.

Vice-Mayor Fitzpatrick advised that the City has experienced three flood events in the last 60 days, over 100 homes and 43 businesses were flooded and City staff is continuing to clean mud ridden streets throughout the City of Roanoke. Therefore, he stated that the issue is not just cleaning up Victory Stadium, but the entire City of Roanoke. He stated that as a result of the questions and concerns raised by some Members of Council, it is hoped that the City administration will provide more detail on where the City spent the majority of staff time and money and any other staff issues that the majority of Council would like to address relative to Victory Stadium.

Mr. Snead reviewed flood-related activities that were addressed by City staff during the first approximately 72 hours following the September 28, 2004, flood event; i.e.: the Swift Water Rescue Team responded to approximately 50 calls in the Roanoke Valley, occupants of businesses and private homes were assisted in connection with pumping out basements and removal of personal items, the Police Department responded to hundreds of calls in the first 12 hour period with regard to traffic related issues, street closings, etc., the 911 Center addressed concerns of citizens, the City Engineer's Office identified and responded to drainage complaints, the Solid Waste Management division addressed challenges in connection with solid waste pickup, the Streets and Traffic department dealt with issues surrounding two mud slides in the City, Civic Center staff addressed issues at Victory Stadium and created a shelter for displaced citizens and a base of operation for the local chapter of the American Red Cross, the Sheriff's Department provided assistance with various types of issues, staff of the Social Services and Human Services Departments were placed on stand by in the event that it became necessary to activate the phone bank in

the Emergency Operations Center of the Municipal Building, and the Department of Real Estate Valuation assisted with assessment of damages to property which enabled the City to submit its assessment report in the required 72 hour time period. He advised that to date, approximately 43 businesses have reported substantial water damage, 25 truckloads of debris were removed from the public streets and approximately 100 tons of gravel and stone were used to stabilize edges of streets and rights-of-way to prevent further damage; Parks and Recreation staff continues to clean up along the greenway system, and the Wastewater Treatment Plant was out of commission for approximately ten days as a result of substantial damage to the main treatment building, however, the plant is now functioning under the tertiary three step process

The Vice-Mayor entertained a motion that the City Attorney be instructed to prepare the proper measure expressing appreciation to City employees and to the citizens of Roanoke for their efforts in connection with cleaning up the City of Roanoke following the flood event on September 28, 2004, as a result of Hurricane Jeanne; whereupon, on motion of Mr. Cutler, seconded by Ms. McDaniel, the motion was adopted.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Vice-Mayor advised that Council sets this time as a priority for citizens to be heard and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

ARMORY/STADIUM-FLOOD REDUCTION/CONTROL-SCHOOLS: Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that a representative, age 30 or younger, should be appointed to the Stadium Study Committee. He stated that cleaning up Victory Stadium should be a priority of the City so that the Patrick Henry High School Homecoming football game can be played on Friday, October 8, 2004.

ARMORY/STADIUM-FLOOD REDUCTION/CONTROL-SCHOOLS: Ms. Lisa S. Updike, 2803 Woodlawn Avenue, S. W., advised that it should not be implied that Victory Stadium is a bigger priority than the safety of Roanoke's citizens, their homes, or their livelihood, but citizens believe that the City of Roanoke should be held accountable to support and to provide adequate maintenance at Victory Stadium. She stated that the needs and desires of Roanoke's children are not a small issue; and Roanoke's school community consists of 1800 students enrolled at Patrick Henry High School and 1400 students at William Fleming High School with families who pay taxes in the City of Roanoke. She added that high school football and other sporting events build school comradeship and to disappoint the school community by not appropriately addressing clean up efforts at Victory Stadium is a serious disappointment to Roanoke's youth. She called attention to conflicting information that was provided by City staff and School staff regarding the field at Victory Stadium; therefore, it is requested that Council intervene and provide positive and immediate activity in regard to the Victory Stadium field so that high school football can be played on the evening of October 8.

Ms. Carol Brash, 2259 Westover Avenue, S. W., President, Patrick Henry PTSA; past President, Roanoke Central Council PTA; and a member of the Patrick Henry High School Athletic Boosters Club, advised that the Central Council PTA adopted a resolution urging Council to take immediate action to clean up the Victory Stadium field. She stated that the issue is more wide spread than a high school football game, and involves an overall community issue, especially in view of past negative publicity about Roanoke's schools and conditions surrounding construction at Patrick Henry High School. Therefore, she added that the ability to play football on the home turf is important to students, staff, parents and the community. She advised that Roanoke's students deserve to play their games in the City of Roanoke where their families can attend to lend support, and asked that Council hold City staff accountable for cleaning up Victory Stadium and forget about the politics of whether Victory Stadium will be renovated or a new stadium will be constructed.

COMPLAINTS-ARMORY/STADIUM: Mr. Robert Gravely, 729 Loudon Avenue, N. W., advised that there is confusion as to which City department is responsible for cleaning up Victory Stadium. He expressed concern with regard to the overall lack of cleanliness of the City of Roanoke.

ARMORY/STADIUM-FLOOD REDUCTION/CONTROL-SCHOOLS-COUNCIL: Ms. Helen E. Davis, 35 Patton Avenue, N. E., concurred in the remarks of Ms. Updike and Ms. Brash, and advised that Victory Stadium has been neglected by the City of Roanoke for some time. She stated that all citizens are concerned about the impact of the flood on Roanoke's citizens and businesses. She asked that Members of Council be allowed to state their opinions in public session, but when there is disagreement among the Council, it would be more professional to address issues of concern in a private setting, as opposed to the open Council forum.

ACTING CITY MANAGER COMMENTS: NONE.

At 3:30 p.m., the Vice-Mayor declared the meeting in recess for one Closed Session.

At 5:45 p.m., the Council meeting reconvened in the Council Chamber, with Vice-Mayor Fitzpatrick presiding, and all Members of the Council in attendance, with exception of Mayor Harris and Council Member Dowe.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Cutler moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Ms. McDaniel and adopted by the following vote:

AYES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

NAYS: None-----0.

(Mayor Harris and Council Member Dowe were absent.)

SCHOOLS-ARMORY/STADIUM-FLOOD REDUCTION/CONTROL-ROANOKE CIVIC CENTER: The Assistant City Manager for Operations advised that the Director of Civic Facilities reports that the Victory Stadium field can be marginally playable, with some saturated areas, by Friday, October 8, 2004; however, in view of concerns regarding the general environment, i.e.: fencing, crowd control, ticketing, etc., the Acting Superintendent of Schools and the Principal of Patrick Henry High School have made the decision to hold the Patrick Henry High School Homecoming football game at Heritage High School in Lynchburg, Virginia, on Friday, October 8, 2004, with the goal of playing football at Victory Stadium on Friday, October 15.

OATHS OF OFFICE-COMMITTEES-CITY EMPLOYEES: The Mayor advised that there is a vacancy on the Personnel and Employment Practices Commission due to the resignation of Tamara Asher and called for nominations to fill the vacancy.

Mr. Lea placed in nomination the name of Gregory W. Staples.

There being no further nominations, Mr. Staples was appointed as a member of the Personnel and Employment Practices Commission, to fill the unexpired term of Tamara Asher, ending June 30, 2007, by the following vote:

FOR MR. STAPLES: Council Members Lea, McDaniel, Wishneff, Cutler, and Vice-Mayor Fitzpatrick-----5.

(Mayor Harris and Council Member Dowe were absent.)

Inasmuch as Mr. Staples is not a resident of the City of Roanoke, Mr. Lea moved that the City residency requirement be waived in this instance. The motion was seconded by Mr. Cutler and adopted.

At 5:50 p.m., the Vice-Mayor declared the Council meeting in recess until Wednesday, October 13, 2004, at 12:00 noon at the Salem Civic Center, Section 3, 1001 Boulevard, Salem, Virginia, for the Regional Leadership Summit with General Assembly representatives to discuss key legislative issues.

The City Council meeting reconvened on Wednesday, October 13, 2004, at 12:00 noon at the Salem Civic Center, Section 3, 1001 Boulevard, Salem, Virginia, for a meeting of representatives of the Regional Leadership Summit.

PRESENT: Council Member M. Rupert Cutler-----1.

ABSENT: Council Members Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr.,
Sherman P. Lea, Brenda L. McDaniel, Brian J. Wishneff and Mayor C. Nelson
Harris-----6.

OFFICERS PRESENT: Jesse A. Hall, Director of Finance; Rolanda B. Russell,
Assistant City Manager for Community Development; George C. Snead, Jr.,
Assistant City Manager for Operations; and Sheila N. Hartman, Assistant City
Clerk.

Also present were: Senator John S. Edwards; Josh Myers, Aide to Delegate
H. Morgan Griffith; Delegate William H. Fralin, Jr.; Wayne G. Strickland, Secretary,
Fifth Planning District Regional Alliance; and members of City Councils/Boards of
Supervisors and staff of the following localities: Alleghany County, Botetourt
County, Franklin County, Roanoke County, City of Covington, City of Salem, and
Town of Vinton.

LEGISLATION: Mr. Strickland presented the following 2005 Regional
Legislative Agenda:

EDUCATION: The General Assembly should fully fund the Standards of
Quality. The Commonwealth has an obligation to fund the Standards of Quality
on the basis of realistic costs -- reflecting actual education practices to include
capital, operating and maintenance costs.

TAXING AND FUNDING: The 2004 General Assembly passed the Personal
Property Tax Relief Act (PPTRA). The provisions of this legislation will directly
affect several communities in this region. Some issues of concern associated
with the Act are:

- There is no provision to reimburse localities for PPTRA during
the period January 1 through June 20, 2006, relevant to either
delinquent accounts or current year installment payments due
within this time period.
- The requirement that localities adopt a multi-tiered tax
structure will force many local governing bodies to raise the
rate each year due principally to uncontrollable demographic
factors such as population growth.
- With institution of the new tax rate system, no provision has
been made to correct for either overages or shortages if the
locality's tax rate(s) are not truly revenue neutral.
- Affected local governments will incur a substantial amount of
time and expense to make programming changes in order to
accommodate revisions to the PPTRA.

- A substantial number of taxpayers whose vehicles are assessed at less than \$1,000.00 will not be put back on the tax rolls.
- The burden of explaining the new legislation to citizens (including why the tax rate and/or percentage of relief will vary among surrounding localities) will be difficult.

Funding for Virginia's Regional Competitiveness Program (RCP) was eliminated in 2002; the General Assembly needs to fund this important program. The Commonwealth established the RCP in 1996 and since that time more than 227 regional projects throughout Virginia have been supported by RCP funds; 31 projects have been supported in the Roanoke Valley-Alleghany Region using RCP funds; each dollar of RCP funds have been leveraged with \$19.00 of non-state funds, and has supported regional industrial parks, workforce development/education, tourism and infrastructure development.

The Commonwealth of Virginia needs to move aggressively to reform its tax system. Three study commissions were established to examine the problem of funding state and local governments and as yet there has been no major movement toward tax reform. The General Assembly should continue to work diligently on reforming the State's tax system to ensure that Virginia's tax system is fair and aligns service delivery responsibilities with revenue sources at the State and local level.

LOCAL AUTHORITY: The General Assembly should not pass legislation that takes away local government authority over land use issues. For example, legislation has been proposed that will require manufactured housing to be permitted "by right" in all residential zoning districts. Such legislation would directly affect the power of local councils and boards to control land use in their communities.

TRANSPORTATION: The General Assembly should:

- Require the Virginia Department of Transportation (VDOT) to find a funding mechanism to expedite the widening/improvements to Interstate 81, the economic lifeblood of western Virginia; improvements will enhance safety and promote the economy of the region.
- Fund the Smart Road outside of VDOT funds allocated to the Salem Transportation District; approximately 35 per cent of the funds allocated to the Salem District will be used to pay for the Smart Road, an economic benefit for the entire Commonwealth and the nation.

- Plan for the development of rail freight along I-81 to complement the widening of the interstate with the purpose of moving a large volume of the long-distance freight traffic from trucks to freight trains on dual track, high-speed rails parallel to I-81.
- Fund implementation of passenger rail service in the Roanoke to Bristol corridor, to provide a good multi-modal addition to highways and airports currently serving the region.

UPDATE-SENATE BILL 5005: Elmer Hodge, Roanoke County Administrator, presented the following concerns regarding the status of implementation of SB 5005:

- (1) The 2006 State budget is short \$250 million, representing payments that are owed to localities that bill personal property taxes in the Spring, and a budget amendment needs to be introduced that will add the money back to the budget.
 - The current promise to pay the Spring billers in July of 2006 is a one year promise at best as contained in the appropriation language, not the legislation; and localities are in danger of losing \$10.5 million of budgeted revenues annually.
 - At best, if it is simply a cash flow problem, there will be a need to cover \$10.5 million for up to a three month period (April – June).
- (2) Localities will be required to adopt two or more tax rates each year, and list each rate on the bill.
 - The computation to arrive at the “reduced rate” will require estimation for the effect of pro-rata, which will involve risk of over/under collection.
 - The “reduced rate” will increase every year, making it appear that the local government is increasing the tax rate.

Mr. Hodge advised that the legislation affects the on-going operation of about one-third of the localities; the State wants to shift the reimbursement of the personal property taxes to the localities some 60-75 days later, which could be as late as August of the next fiscal year, rather than the current two to four day time period of the fiscal year; there is the possibility of a cash flow lag and a locality could be in technical default according to State law if the locality cannot make payments from their reserves, thus having a negative impact on their bond rating.

In addition, he stated that if the tax dollars are not delivered, localities could end their fiscal year with a deficit, which they cannot do legally; and another concern is the actual computation of the tax rate that will be shown on the tax bill, making calculations through assumptions (either over valuing or under valuing personal property). He added that these computations and calculations will necessitate a change in a locality's computer programs; in addition, calculations would need to be made from year to year to anticipate what the tax rates would be in order to supplement the caps set by the State.

He recommended that each locality include this critical issue in their legislative agenda for review, and require the General Assembly to address the matter by stating, in writing, what the legislature will do to address the problem.

Jesse A. Hall, Director of Finance, stated that House Bill 1174, which was enacted last year, and effective July 1, 2005, deals with restructuring taxation on the telecommunications industry. He noted that the intent of the legislation is to establish a new method of taxation to replace taxes and fees which will be repealed; i.e.: local consumer utility tax on consumers of local exchange and wireless services, gross receipts tax in excess of 0.5 per cent, the Virginia Relay Center Assessment, and state and local E-911 taxes and fees; the new tax would be imposed at a rate approximating the combined State and local sales tax rate and the new 911 tax and fee would not exceed \$0.75 per line; and the 2005 legislation would set forth a distribution methodology for these revenues so that the State and local governments would receive at least as much revenues as they received in fiscal year 2004. He stated that the Auditor of Public Accounts will be required to determine revenues received by the Commonwealth and its localities from taxes and fees during fiscal year 2004 and determine whether the intended tax rates would be sufficient to replace revenues from the repealed taxes, and, if reviews are not sufficient, the General Assembly will not proceed with telecommunications tax restructuring legislation in the 2005 Session. In addition, he advised that a joint subcommittee has been working with representatives of industry and local governments to continue to develop recommendations concerning the following: an authority or third party to receive and disburse revenues to the State and individual local governments; a distribution methodology for apportioning the revenues; and a centralized and uniform method for auditing the revenues produced by taxes and fees. He noted that the subcommittee will report its findings and recommendations to the Chairs of the House and Senate Committees no later than November 15, 2004.

Mr. Hodge requested that area localities work together to address these serious concerns with their legislators.

Mr. Strickland stated that the General Assembly should:

- Address issues related to the PPTRA in the 2005 Session to ensure that the Act will not place an undue burden on those communities affected by the legislation.

- Eliminate the distinction in taxing authority of Virginia's cities and counties, namely counties should possess the same authority as cities to levy taxes on tobacco products, lodging, meals and admissions.
- Not limit or restrict existing local revenue sources.
- Continue to work on tax reform

COMMENTS BY LEGISLATORS:

Senator Edwards advised that there has been the greatest increase of funding in the history of the Commonwealth of Virginia for public education (\$1.5 billion) which was part of the Tax Reform Plan; the glitch of funding for localities – \$21 million affecting the Roanoke Valley and \$250 million affecting localities statewide; and the Governor is working on the matter and will submit a plan to address concerns/mistakes. He expressed regret that the Regional Competitiveness Program was not fixed this year inasmuch as there have been three years of short falls; some positive actions have been taken such as the increase in the personal exemption, and about 140,000 people will no longer have to file a tax return.

He further stated that the six-year transportation plan was cut by 28 per cent over the past two years; there are two ways to solve the transportation problem – tolls or taxes (gas tax); tolls on cars would not work and would not be supported in the General Assembly, and tolls on trucks would be problematic. He added that revenues from the gas tax are inadequate; there is a proposal of a tax increase of \$.03 per gallon of gas at the pump, and that amount plus the five and one-half per cent tax at the wholesale level, would raise about \$1.6 billion. He stated that last year, the sales tax issue was resolved, and the tax reform plan helped to resolve certain other problems; it is hoped that legislators will address the transportation problem during the upcoming session of the General Assembly, and the matter should be handled on a statewide basis, rather than on a regional basis. He noted that the problem with Interstate 81 (I-81) is not cars, but trucks, in particular the 70 per cent of long-haul trucks that pass through the state; transferring long-haul freight to rail service would greatly improve the situation; the cost of freight rail service could be offset by a surcharge on freight; and on-time delivery problems could be addressed by improvements to train infrastructure. He stated that the widening of lanes on I-81 would not completely solve the problem with trucks; and encouraged continued regional development and cooperation.

Josh Myers, Aide to Delegate H. Morgan Griffith, stated that he would relate the concerns expressed by the group to Delegate Griffith; and Delegate Griffith is aware of tax relief issues and has offered his assistance to solve the problems. He asked that additional information or concerns be forwarded to him.

Delegate Fralin, stated that he has enjoyed working with local representatives; regionalism is important, future redistricting of representatives will require localities to continue to work together regionally; and there have been significant increases in funding for education. He noted that a work group has been established to address the tax "glitch", and it is important that localities be held harmless; and it was not the intent of the legislature to cause problems or to penalize localities. He further noted that tax reform issues need to be addressed; he is a member of a House Task Force special committee appointed to study transportation issues, and it is hoped that a variety of solutions will be proposed. He stated that Virginia is a donor state and he will work with Federal legislators to ensure that Virginia receives its fair share of the Federal gas tax. He advised that he was proud to represent the Roanoke area and requested that local representatives contact him with regard to issues of concern.

Joseph McNamara, Chair, Roanoke County Board of Supervisors, stated that the funding short fall is a big issue; localities need guarantees; it is important that legislation be laid out in specific and exact terms, tax restructuring is placing local politicians in a bad position; and localities need the full one per cent sales tax increase option.

OTHER BUSINESS/ANNOUNCEMENTS:

Mr. Strickland stated that the next Mayors and Chairs meeting will be held on December 2, and Craig County has extended an invitation to host the Spring meeting, with the date and location to be announced at a later date.

There being no further business, the meeting of Roanoke City Council was adjourned at 1:45 p.m.

A P P R O V E D

ATTEST:

Mary F. Parker
City Clerk

Beverly T. Fitzpatrick, Jr.
Vice-Mayor

- - - - -



C. NELSON HARRIS
Mayor

CITY OF ROANOKE
OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452
ROANOKE, VIRGINIA 24011-1594
TELEPHONE: (540) 853-2444
FAX: (540) 853-1145

November 15, 2004

The Honorable Vice-Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in dark ink, appearing to read "C. Nelson Harris".

C. Nelson Harris
Mayor

CNH:snh



C. NELSON HARRIS
Mayor

CITY OF ROANOKE
OFFICE OF THE MAYOR

215 CHURCH AVENUE, S.W., ROOM 452
ROANOKE, VIRGINIA 24011-1594
TELEPHONE: (540) 853-2444
FAX: (540) 853-1145

November 15, 2004

The Honorable Vice-Mayor and Members
of the Roanoke City Council
Roanoke, Virginia

Dear Members of Council:

This is to request a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Nelson Harris".

C. Nelson Harris
Mayor

CNH:snh



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

November 15, 2004

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Encroachment into Public
Right-of-Way / Awning at 105 Wall
Street, SE Tax No. 4010319

Pursuant to the requirements of the Virginia Code, the City of Roanoke is required to hold a public hearing on proposed encroachments into public right-of-way. This is to request that a public hearing be advertised on the above matter for Council's regular meeting to be held on Monday, December 6, 2004. A full report will be included in the December 6, 2004, agenda material for your consideration.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB/SEF

c: William M. Hackworth, City Attorney
Mary F. Parker, City Clerk
Jesse A. Hall, Director of Finance
Sarah E. Fitton, Engineering Coordinator



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
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Roanoke, Virginia 24011-1591

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Fax: (540) 853-1138
CityWeb: www.roanokegov.com

November 15, 2004

Honorable C. Nelson Harris, Mayor and Members of City Council
Roanoke, VA 24011

Dear Mayor Harris and Members of Council:

Subject: Farmer's Market

This is to request space on Council's regular agenda for a 10 minute presentation on the above referenced subject.

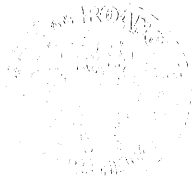
Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham".

Darlene L. Burcham
City Manager

DLB:sm

C: City Attorney
Director of Finance
City Clerk



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

November 15, 2004

Honorable C. Nelson Harris, Mayor and Members of City Council
Roanoke, VA 24011

Dear Mayor Harris and Members of Council:

Subject: City Market Building

This is to request space on Council's regular agenda for a 45 minute presentation on the above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham", is positioned above the printed name and title.

Darlene L. Burcham
City Manager

DLB:sm

C: City Attorney
Director of Finance
City Clerk



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591

Telephone: (540) 853-2333

Fax: (540) 853-1138

CityWeb: www.roanokegov.com

November 15, 2004

Honorable C. Nelson Harris, Mayor and Members of City Council
Roanoke, VA 24011

Dear Mayor Harris and Members of Council:

Subject: Transfer of Property Sold in
RCIT to SEMCO CM04-0191

This is to request space on Council's regular agenda for a report on the
above referenced subject.

Respectfully submitted,

A handwritten signature in black ink, reading "Darlene L. Burcham". The signature is fluid and cursive, with the first name "Darlene" and last name "Burcham" clearly distinguishable.

Darlene L. Burcham
City Manager

DLB:sm

C: City Attorney
Director of Finance
City Clerk

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to execute the necessary documents consenting to the conveyance of New Tract F, Tax Map Number 7230105, located at the Roanoke Centre for Industry and Technology, from SEMCO Incorporated of Virginia to SEMCO Duct and Acoustical Products, Inc., upon certain terms and conditions, and dispensing with the second reading by title of this ordinance.

WHEREAS, on November 11, 2003, the City of Roanoke sold New Tract F, Tax Map Number 7230105, to SEMCO Incorporated of Virginia ("SEMCO Inc."), contingent upon SEMCO Inc., complying with certain terms and conditions set forth in the deed and attachment to the deed; and

WHEREAS, SEMCO, Inc., wishes to convey New Tract F, Tax Map Number 7230105, to a subsidiary named SEMCO Duct and Acoustical Products, Inc., with the same terms and conditions set forth in the original deed and attachment to the deed.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia that:

1. The City Manager and City Clerk are authorized to execute and attest, respectively, upon form approved by the City Attorney, the necessary documents consenting to the conveyance of New Tract F, Tax Map Number 7230105, located at the Roanoke Centre for Industry and Technology ("RCIT"), from SEMCO Incorporated of Virginia to SEMCO Duct and

Acoustical Products, Inc., upon certain terms and conditions, and as more particularly stated in the City Manager's letter to City Council dated November 15, 2004.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE
OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

November 15, 2004


Honorable C. Nelson Harris, Mayor and Members of City Council
Roanoke, VA 24011

Dear Mayor Harris and Members of Council:

Subject: Performance Agreement for
Economic Development
Grant: IMD Investment
Group, LLC CM04-0193

This is to request space on Council's regular agenda for a report on the
above referenced subject.

Respectfully submitted,


Darlene L. Burcham
City Manager

DLB:sm

C: City Attorney
Director of Finance
City Clerk

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE authorizing the proper City officials to execute a Performance Agreement among the City of Roanoke (City), the Industrial Development Authority of the City of Roanoke, Virginia, (IDA), and IMD Investment Group, LLC, (IMD) that provides for certain undertakings by the parties in connection with the development of certain property located at the northwest corner of Franklin Road and Wonju Street, SW, in the City of Roanoke; and dispensing with the second reading by title of this Ordinance.

WHEREAS, IMD has proposed the development of certain property located at the northwest corner of Franklin Road and Wonju Street, SW;

WHEREAS, the development of the site will require significant infrastructure cost for the site development as well as structured parking in order to attract high quality retail activity;

WHEREAS, IMD has requested an annual economic development grant through the IDA to assist in the unusual expense for development of the Project;

WHEREAS, City staff has advised Council that such project will benefit economic development within the City and the Roanoke Valley; and

WHEREAS, the City and the IDA wish to encourage IMD in connection with the development of the Project in order to enhance and promote economic development within the City and the Roanoke Valley.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. City Council hereby approves the terms of the Performance Agreement among the

City, the IDA, and IMD, as set forth in the attachment to the City Manager's letter to Council

dated November 15, 2004, which provides for certain undertakings and obligations by IMD, as well as certain undertakings by the City and the IDA. City Council further finds that the annual economic development grant provided for by the Performance Agreement will promote economic development within the City and the Roanoke Valley and will be of economic benefit to the City and its citizens.

2. The City Manager and the City Clerk are authorized on behalf of the City to execute and attest, respectively, a Performance Agreement among the City, the IDA, and IMD, upon certain terms and conditions as set forth in the City Manager's letter to Council dated November 15, 2004. The Performance Agreement shall be substantially similar to the one attached to such letter and in a form approved by the City Attorney.

3. The City Manager is further authorized to take such actions and execute such documents as may be necessary to provide for the implementation and administration of such Performance Agreement.

4. Pursuant to the provisions of §12 of the City Charter, the second reading of this Ordinance by title is hereby dispensed with.

ATTEST:

City Clerk



C. NELSON HARRIS
Mayor

CITY OF ROANOKE

CITY COUNCIL

215 Church Avenue, S.W.
Noel C. Taylor Municipal Building, Room 456
Roanoke, Virginia 24011-1536
Telephone: (540) 853-2541
Fax: (540) 853-1145

Council Members:

M. Rupert Cutler
Alfred T. Dowe, Jr.
Beverly T. Fitzpatrick, Jr.
Sherman P. Lea
Brenda L. McDaniel
Brian J. Wishneff

November 15, 2004

The Honorable Mayor and Members
of City Council
Roanoke, Virginia

Re: 2005 Legislative Program

Dear Mayor Harris and Members of Council:

On November 1, 2004, City Council's Legislative Committee met to review the proposed 2005 Legislative Program. A copy of this Legislative Program is attached. After careful review, the Committee recommends it to City Council for favorable action. The School Board portion of the Program was approved by the School Board at its meeting on November 9, 2004.

As Chair of the Legislative Committee, I wish to thank the other members of Council, who comprise the Committee, and Mr. Lindsey and Mr. Penn of the School Board. We also wish to thank Tom Dick, our Legislative Liaison, and Bill Hackworth, City Attorney, who coordinated and prepared this Program.

As Chair of the Legislative Committee, I commend the Program to City Council for its approval. I am confident the members of the Council will agree that the recommended Program will advance the legislative interests of the City and its people at the 2005 Session.

Respectfully submitted,

A handwritten signature in black ink, reading "Beverly T. Fitzpatrick, Jr.", is written over the typed name and title.

Beverly T. Fitzpatrick, Jr., Chair
Legislative Committee

BTF:f

Attachments

cc: Darlene L. Burcham, City Manager
William M. Hackworth, City Attorney
William H. Lindsey, Esquire
Mr. Courtney W. Penn
Doris N. Ennis, Acting Superintendent
Richard L. Kelley, Assistant Superintendent for Operations and Legislative Liaison
Mary F. Parker, City Clerk
Thomas A. Dick, Legislative Liaison

2005

LEGISLATIVE PROGRAM



CITY OF ROANOKE

CITY COUNCIL

C. Nelson Harris, Mayor

Beverly T. Fitzpatrick, Jr., Vice-Mayor

M. Rupert Cutler

Alfred T. Dowe, Jr.

Sherman P. Lea

Brenda L. McDaniel

Brian J. Wishneff

SCHOOL BOARD

Kathy G. Stockburger, Chair

Robert J. Sparrow, Vice-Chair

William H. Lindsey

Gloria P. Manns

Alvin L. Nash

Courtney W. Penn

Dr. David B. Trinkle

CITY MANAGER

Darlene L. Burcham

ACTING SUPERINTENDENT

Doris N. Ennis

William M. Hackworth
City Attorney
464 Noel C. Taylor Municipal Building
Roanoke, VA 24011
540-853-2431

INTRODUCTION

The City Council is pleased to commend this Legislative Program for consideration by the 2005 Session of the General Assembly. The City Council, representing all the people of our All-America City, is uniquely qualified to understand the legislative needs of City government and our people. We are of the opinion that this Program is responsive to those needs. As a policy matter, we continue to believe that local governments are the best vehicles for the delivery of many services to the public because local governments are closest to the people and the most responsive. We continue to be concerned about the cumulative effect of Federal and State legislative and regulatory mandates, many of which are unfunded, the continued erosion of local revenue sources, and the State's fiscal woes.

This Program is a combined Program for City Council and the School Board. You will note that we have made a conscientious effort to pare our Program down to the issues that we believe are most important to the citizens of this City. The City Council portion was prepared by the City's Legislative Liaison, Thomas A. Dick, and City Attorney, William M. Hackworth, with the assistance of comments and suggestions from Council members, City administrators, and citizens. The School Board portion was prepared by Richard L. Kelley, Assistant Superintendent for Operations, who serves as Legislative Liaison for the School Division, with the assistance of advice and comments from the School Board and administrators. The entire Program has been carefully reviewed by City Council's Legislative Committee, which consists of all the members of Council, and William H. Lindsey and Courtney W. Penn. Upon the recommendation of the Legislative Committee, the Program was adopted and endorsed by City Council on November 15, 2004. See Resolution No. _____-111504 a copy of which is attached.

If during the course of the Session our legislators have questions concerning the position of the City or School Board on legislative matters, they are encouraged to contact the Legislative Liaison for the City or School Board, who I know will be pleased to respond after consultation with appropriate officials. I also know that representatives of the City and School Board will be in contact with our legislators on many occasions during the 2005 Session, and their consideration of these communications is deeply appreciated. With the support of our legislators, and this City is fortunate to have legislators who are most supportive and responsive to the needs of our City and its citizens, I know that our City government and School Division will be improved and that the quality of life for our citizens will be advanced.

C. Nelson Harris, Mayor

City of Roanoke

2005 Legislative Program

Legislation Requested

Car Tax - The City requests an amendment to the Commonwealth of Virginia's 2004-2006 Budget that would fully fund local reimbursements for the Personal Property Tax Relief Act program in FY 2006 so that localities that bill in the Spring, as Roanoke City does, receive the revenue in the same fiscal year billed, which is how it has been collected historically. If additional funding is not provided, the legislature should provide the maximum flexibility possible to localities to address the budgetary, accounting and policy issues associated with this budget shortfall.

Health Department – The City requests an amendment to the Commonwealth's 2004-2006 budget to allow the City's Health Department to consolidate and relocate its operations and move into the new Human Services Building on Williamson Road. The City will pay its share and needs the State to provide \$187,958 in each year of the budget for its portion of the rent.

Mass Transit Taxation – The City requests legislation to reinstate the sales tax exemption for its public transit system that the 2004 General Assembly inadvertently eliminated along with several other sales tax exemptions. The elimination of the exemption will cost the City approximately \$50,000 annually. The public transit systems in Richmond, Lynchburg and Alexandria are also affected.

Historic Districts – The City requests legislation to amend §36-99, Code of Virginia, to authorize localities to require building permits for the installation of replacement siding, roofing and windows in buildings within historic districts. This will benefit the City's historic neighborhoods.

Public Safety – The City requests an amendment to §15.2-906, Code of Virginia, to reduce the amount of time in which a locality can remove, repair or secure any building, wall or other structure which might endanger the public health or safety. The current 30 day period should be reduced to 15 days. This will benefit the City's neighborhoods.

Other Legislative Priorities

Opposition to Additional State Fees – The City opposes additional State fees on local services, such as a landfill disposal fee, a State trash tax, or a Statewide "flush tax" intended to address problems with the Chesapeake Bay. State programs should not be funded by local "add on" taxes or fees, which may or may not be returned to localities.

Waste Container Removal – The General Assembly should enact legislation enabling localities to assess civil penalties against those who fail to remove their trash containers from the street within the time period required by the locality. This would benefit the City's neighborhoods.

Constitutional Amendment for Partial Tax Exemption – The General Assembly should pass an amendment to Article X, Section 6(a)(7)(h) of the Constitution of Virginia to provide authority for the passage of legislation authorizing localities to provide for a partial exemption from local real

property taxation of new construction in conservation, redevelopment or rehabilitation areas. The Constitution already permits this for substantial renovation, rehabilitation and replacement of existing structures. This would benefit the City's neighborhoods.

Support for Virginia First Cities Coalition – As a member of Virginia First Cities, a group of 15 of the State's older cities, Roanoke supports the broad legislative objectives of this coalition. First Cities believes the General Assembly should act to allow the State to meet its funding responsibilities for education of all students, for transportation, public safety and human services, and personal property taxes. The State should realign its policies and funding formulas to reduce disproportionate economic, fiscal and demographic stresses and disparities on Virginia's fiscally stressed cities. The State should actively promote conditions to encourage the economic health of cities through employment, neighborhood redevelopment and revitalization of commercial areas.

Additionally, the City supports the First Cities efforts to:

- Fully restore the federal funds deduction in the education funding formula. Increase funding to assist those students most likely to fail the SOL's. Fully fund the current Standards of Quality.
- Opposes measures that would erode the revenue generating capability of the tax measures passed in 2004.
- Supports measures which raise statewide non-general fund taxes and fees to adequately maintain and expand the transportation network.

Outdoor Lighting Standards – The General Assembly should enact a new Virginia Code §15.2-920.1 to authorize localities to adopt ordinances establishing outdoor lighting standards and regulations for the purpose of controlling exterior illumination levels, incidence of glare, light trespass or "urban sky-glow", or for the purpose of conserving energy. Such standards should be applicable only on lighting for facilities constructed after the date of the enactment of the local ordinance. This would benefit the City's neighborhoods.

Streamline Local Budget Process – Section 15.2-2507 of the Code of Virginia requires a locality to hold a public hearing when a locality's budget is being amended by more than 1% or \$500,000, whichever is the lesser amount. The City requests an amendment to delete the \$500,000 threshold while keeping the 1% or more increase public hearing requirement.

Telecommunications Taxes – Some changes to the Commonwealth's telecommunications tax structure are necessary to address new and changing technologies. However, any proposed revisions must keep such taxes revenue neutral for the City.

Delinquent Tax Sale Process – The City supports an amendment to §58.1-3975, Code of Virginia, to clarify that the sale of property pursuant to this section is free and clear of all liens, as is the case with the regular delinquent tax sale process. This Code Section provides for an expedited nonjudicial process for the sale of certain parcels that are delinquent in real estate tax payments.

“Pocket Rockets” – The City supports the adoption of legislation regulating, or enabling localities to regulate, the operation of mini-motorcycles (“pocket rockets”), “stand up scooters”, motorized go carts, and motorized skate boards on public rights-of-way.

“Photo Red Light” Program – The City of Roanoke should be added to the list of localities permitted by Section 46.2-833.01, Code of Virginia, to implement a “photo red light” program to use photo-monitoring systems to enforce traffic light signal laws. Such measures enhance public safety.

Enforcement of Solicitation Statutes – The General Assembly should amend §18.2-346, Code of Virginia, to ensure the proper enforcement of the State’s prostitution laws. An amendment to change the requirement that there be performance of a “substantial act” to an “intentional” act would greatly assist the enforcement of the law.

Vacant Building Registration Fee – The General Assembly should amend Section 15.2-1127 of the Code of Virginia to increase the current permitted registration fee of \$25 for vacant buildings to \$250 to assist localities in addressing the additional costs of fire, police and inspection activities related to vacant properties.

Recordation of Certified Copies – The General Assembly should amend §55-109 of the Code of Virginia to permit the clerk of the circuit court to record certified copies, as opposed to only the original copy, of escheated land grants from the Commonwealth. This would help clear up the chain of title to several parcels in the City that were escheated, but the original grant from the Commonwealth was never recorded.

Rehabilitation Services – The City supports continued State funding for the Virginia CARES and Pre-Release and Post Incarceration Services (PAPIS) programs.

Towing Company Billing – The General Assembly should amend §§46.2-1213 and 46.2-1203 of the Code of Virginia to permit towing companies to bill for their services directly to the owner of the vehicles they tow. Under the current law, the companies are paid when owners reclaim their vehicles. If the vehicles are not reclaimed, the companies must sell the vehicles at public auction to recoup their costs.

Absentee Landlord Representation – Section 55-218.1 of the Code of Virginia requires property owners who own four or more units in the Commonwealth of Virginia, but who do not reside in the Commonwealth themselves, to maintain an agent who is a resident of the State. It is difficult to serve summons and other notices on property owners who do not live in the same locality, delaying action to address blight. The General Assembly is requested to amend this Code section to require that the property owner’s leasing agent or representative operate in the same locality as the property or in an adjacent locality.

School Board Legislative Priorities

The major legislative priorities listed in priority sequence of the Roanoke City School Board are for the State:

1. To continue the Standards of Quality funding initiatives adopted by the State as part of its FY 2004-06 biennium budget.

2. To maintain a partnership between the State and locality for management plans and actions required in order to improve low performing and marginally performing schools – no State takeover of such schools.
3. To restore the financial condition of the State Literary Loan Fund in order for the State to make timely reimbursement of loan proceeds to localities for school construction needs.

The City of Roanoke endorses the School Board Legislative Program in its entirety and incorporates it into the City's Legislative Program.

Legislation the City Would Support

TransDominion Express

The City of Roanoke supports the proposal to extend passenger rail service from Bristol through Roanoke and on to Lynchburg and then to Washington, D.C. and Richmond, VA. Roanoke is the largest city in Virginia without passenger rail service. The 2000 General Assembly provided \$9 million in preliminary funding for this important economic development initiative. The City supports the additional State funding necessary to place the service into operation.

Blight Related Remedies

The City of Roanoke supports several important remedies to the problem of urban blight:

- The State should streamline the legal process applicable to sale of properties on which delinquent taxes are owed so that these properties can be transferred to responsible ownership more expeditiously and less expensively; or in the absence of this, the State should allow localities to sell real estate tax lien certificates as done in some other states.
- The City supports legislation to allow eligible projects in enterprise zones to consist of up to 80 percent residential use.
- The State should delete the requirement in the enterprise zone real property investment tax credit that the owner or tenant receiving the credit actually conduct business on the property.

Regional Competitiveness Act Funding

In the past, this State funding primarily supports workforce development efforts to strengthen the region's competitiveness. Additional funding by the State of this program is recommended.

Aircraft Taxation and Incentives

The City of Roanoke supports tax incentives that would provide encouragement for aircraft to be located at Virginia airports. Section 58.1-1500 of the State Code should be amended to reduce the State's tax on the sale of aircraft in the Commonwealth. Any reduction in revenues should be replaced with State general fund dollars.

Service of Civil Process Fees

Roanoke supports legislation to allow the City to keep the revenue it receives from the fees paid when civil process papers are served by the Sheriff's office. Section 15.2-1609.3 requires that any amounts

collected “in excess of such fees received in fiscal year 1994” be remitted to the State Treasurer. Such fees are more appropriately retained by the locality.

Jail Funding Formula

The formula that allows the state to recover personnel costs when local jails house federal inmates should be modified to more appropriately reflect the costs to localities of housing these prisoners.

Access to VCIN for Parking Ticket Enforcement

The City supports legislation to slightly broaden local government access to the Virginia Criminal Information Network (VCIN). This is needed to obtain the name and address of ticketed drivers from out-of-state so they can be required to pay their parking tickets. In Roanoke, the Director of Finance, who is responsible for collecting on these tickets, does not fall under the current definition of local officials who are authorized by the Virginia Code to have such access. Section 46.2-100 should be amended to include Directors of Finance.

Policy Positions

State Support for Cultural Agencies and Activities

Institutions such as the Center in the Square and its constituent agencies, the Virginia Museum of Transportation, and the Commonwealth Games all attract tourists to the region and help support the economy. City Council is appreciative of the legislature’s partial funding of regional cultural institutions and regional events in previous years. The State is encouraged to develop a policy that ensures stable funding for these agencies. Additionally, a regional funding mechanism is needed to provide a source of funding for environmental, entertainment, and cultural assets. The City supports legislation that would allow for the development of funding from regional resources for cultural, historic, and recreation amenities such as a Blue Ridge Asset District.

Redevelopment Initiatives

The City of Roanoke opposes further restrictions on eminent domain powers of State and local governments, such as efforts to limit the definition of “public purpose” or to require the reconveyance in certain circumstances of property that has been acquired by eminent domain.

Transportation (Including Mass Transit) Funding

Adequate funding, especially that for mass transit, is critical to keep Virginia’s transportation system viable. In addressing transportation needs, the General Assembly should consider: adjusting fund sources such as the motor fuels tax, to keep pace with inflation; imposing moderate increases in state transportation-related taxes and fees; authorizing more options for long-term financing for major projects; authorizing the creation of regional transportation districts; seeking equity among various road users by ensuring that trucks pay their proportionate share of road costs and promoting mass transit solutions on a regional and statewide basis.

Zoning Districts

Roanoke opposes any legislation that would restrict present land use powers of local governments to establish, modify and enforce zoning classifications. Local governments should remain free to adopt and enforce zoning changes that address local land use needs. The City opposes any legislation that would limit local government regulation of historic zoning districts and its ability to accept proffered conditions in rezonings that relate to building features and materials.

Commissions to Study Local Government Needs

The legislature is conducting studies concerning State and local tax structure. In recent years, numerous studies have been conducted that have provided useful information. The Commission on the Future of Virginia's Cities and The State and Local Tax Structure Commission have identified issues and developed recommendations that have not been implemented. Roanoke recognizes the need for review of these important issues but urges that useful results of the studies actually be implemented by the legislature so their benefits will finally be realized.

Mental Health Funding

The State should expand its scope of mental health services to include those with traumatic brain injuries. The State should provide additional funding to operate a comprehensive mental health facility in the western part of the State. Such facilities already operate in at least two other parts of the State, but not in the southwestern region of Virginia. The City supports line item funding in the State budget for "Brain Injury Services of Southwest Virginia". Additionally, special consideration should be given to meeting mental health needs that fall under the jurisdiction of the court system.

Standards for Adult Homes

The State should raise its standards for adult homes to more fully reflect the care needed for this population segment. Additionally, the State should improve funding for adult homes, particularly for indigent care.

General Policy Considerations

The Federal and State governments should recognize that local governments are the best vehicles for the delivery of many services to the public because local governments are closest to the people and the most responsive. Roanoke remains concerned with the cumulative effect of Federal and State legislative and regulatory mandates that have stressed the serious financial problems of local governments. It is essential that the State fully fund all State mandates, including public employee salaries.

Roanoke is vitally concerned over the continued erosion of local revenue sources. The General Assembly is urged to leave the taxing authority and revenue sources of local governments alone. Additionally, the State should pay a greater share of the costs of education and other essential services.

City Council calls upon the Governor and the General Assembly to develop an economic development strategy for the Commonwealth and its local governments. The strategy should include special programs for those areas west of the Blue Ridge mountains and central cities across the Commonwealth. Tourism and convention activities that enhance the economic well being of the State and its political subdivisions should be recognized as legitimate components of economic development.

ROANOKE CITY PUBLIC SCHOOLS

LEGISLATIVE PROGRAM--FY2004-2006 BIENNIUM

Introduction

The budget adopted for the FY2004-06 Biennium by the State increased direct aid to public and higher education by almost \$1.5 billion for the Biennium. The adopted budget recognizes the cost of implementing most of the Standards of Quality (SOQ) recommendations adopted by the State Board of Education in the summer of 2003. It also includes funding for many of the recommendations of the 2001 study performed by the Joint Legislative Review and Audit Commission, which identified many shortcomings in the State's funding of SOQ requirements. The State's budget initiatives for public education confirm a 2003 PDK/Gallup Poll indicating that the general public believes: "the biggest problem facing public education is the lack of financial support/funding/money".

The Roanoke City Public Schools will receive an increase of \$11.2 million in State funds for the current Biennium as a result of the budget actions by the Governor and General Assembly. The additional funds have enabled the Roanoke City Public Schools to implement the following program enhancements for FY2004-05:

- An average salary raise of 5.0% for teachers.
- The addition of four guidance counselor and four school nurse positions.
- The implementation of the seven period schedule for the high schools.
- The addition of six technology technician positions.
- An increase in the number of preschool classes for four-year old children from eleven to 22.
- The addition of two assistant principal positions.
- An increase of five instructional support positions to provide additional educational program assistance to the schools.
- An increase of \$700,000 in the debt service allocation for the replacement of the City's two high schools.

The Roanoke Valley's legislative team is to be commended for its exceptional work during the last session of the General Assembly in securing additional State funding for public education. The additional funding is of great assistance to the City Schools in the implementation of our initiatives to meet rigorous State standards.

Schools' Legislative Priorities

The Roanoke City School Board and Superintendent have established high expectations and standards for schools and students. The objectives include: 1) Improving student achievement and focusing on student reading skills; 2) Increasing the student attendance rate; 3) Improving physical education scores on the State test; 4) Decreasing the student drop-out rate; 5) Increasing staff accountability for student performance; and 6) Improving the competitiveness of employee salaries.

To help achieve these educational objectives, the Roanoke City School Board has adopted three major legislative priorities for the second year of the biennium. The priorities require the State to accomplish the following actions:

1. To continue the Standards of Quality funding initiatives adopted by the State as part of its FY2004-06 Biennium Budget.
2. To maintain a partnership between the State and locality for management plans and actions required in order to improve low performing and marginally performing schools – no State takeover of such schools.
3. To restore the financial condition of the State Literary Loan Fund in order for the State to make timely reimbursement of loan proceeds to localities for school construction needs.

The Governor and General Assembly have said that public education is a priority in the Commonwealth. Their budget program during the second year of the biennium should concentrate on: 1) Maintaining and enhancing State funding for the Standards of Quality; 2) Expanding the State and local partnership for improving student performance at low performing schools; and 3) Developing a four-year plan to restore the fiscal integrity of the State Literary Fund.

Priority 1 - Funding for the Standards of Quality

The State should continue to improve funding for its share of the cost for meeting the Standards of Quality through the following actions:

- Full funding of all SOQ positions with an emphasis on positions required for remediation programs as recommended by the State Board of Education.
- No State mandate to offset the local share of the 2004 sales tax increase in order to pay the State's share of SOQ costs.
- The maintenance of a "pooled" VRS rate for teachers rather than a rate separated from the State employee rate.
- The elimination of the federal deduction from the State's share of SOQ costs (the deduction is now 29.22 percent of federal revenues).
- Full State funding of car tax reimbursements to localities for FY2005-06 to include delinquencies.
- The inclusion in the Standards of Quality standards and associated funding for school safety and discipline requirements including school resource officer positions, alternative education programs, and security equipment needs.

Priority 2 – Joint Assistance To Low Performing Schools

The State should continue its partnership with localities to assist in improving low performing and marginally performing schools through its present program of direct grants and academic review teams. No legislation should be adopted that would mandate State takeover of low performing schools as one of the options advocated by the federal No Child Left Behind legislation.

Furthermore, the State Department of Education should request the Federal Department of Education to accept the State's corrective action plan as enumerated in the State's Standards of Accreditation rather than continue to require the State to meet the standards of Adequate Yearly Progress (AYP).

Priority 3 – State Literary Loan Fund

Statewide, almost \$7.0 billion in school capital requirements exists with only about \$4.0 billion available to meet these needs. Over the next five years, the Roanoke City Public Schools will expend almost \$100 million on its major capital projects, to include the \$92 million cost of replacing the two high schools. The City and Schools' debt service on this requirement will total over \$9.0 million by FY2009.

To assist localities with their school construction requirements, the General Assembly should adopt legislation to restore the fiscal integrity of the State Literary Loan Fund. During the current biennium, almost \$268 million was transferred from the State Literary Loan Fund to finance teacher retirement costs. The fund should be established as an education infrastructure trust fund to make timely loans and eventually direct grants to localities for school construction needs. The long-term objective for the trust fund should be to finance 55% of the locality's school construction requirements.

Legislative Proposals

School Funding – Specific funding issues not addressed by the revised Standards of Quality include:

- Average Teacher Salary - The State Basic Aid formula for average teacher salaries should use the national average for teacher salaries as the basis for teacher salary cost rather than using the prevailing average for the State.
- School Nurses - Roanoke City now employs 16.5 FTE school nurses with local funds. The State should fund student health related services on the basis of one nurse for every 1,000 pupils in membership.
- Truancy Programs - Visiting teachers must be included in the Standards of Quality since they are essential to Roanoke City's truancy prevention programs.
- Alternative Education - State funds provide support for only 10% of the program's cost. The remaining costs amounting to \$1.4 million are funded by the school district. A minimum of 55% of the cost should be provided by the State.

- School Resource Officers - The Standards of Quality should include School Resource Officer (SRO) positions based on a ratio one SRO for every 500 secondary students.
- School Security Equipment - No funds are provided from the State for school security equipment (e.g., video monitors, metal detectors, and radios). The State should provide a minimum of \$15 per pupil for the purchase of such equipment.

Employee Recruitment - Most school districts in the State have experienced severe problems in the recruitment of teachers and school principals. The State should provide incentive funds to attract and retain teachers and principals. The incentives would include:

- Scholarships and loans for instructional aides and other support personnel who wish to obtain a teaching degree.
- Internships and scholarships for high school and college students who plan to enter the teaching profession.
- Pay differentials for teachers and principals working in schools with a high percentage of at risk students.
- Financial incentives for new teachers including relocation and signing bonuses, interest free loans for home purchase, and tax exemptions for teachers and principals working in schools located in economic enterprise zones.

School Governance - Local control and flexibility in school operations is a priority for school boards if the State expects accountability standards to be meaningful and achievable by schools and students. Such flexibility involves management of school finances without mandates to relinquish control to the local governing body. Governance issues of legislative concern during the next legislative session include the following:

- The local school board should have control over the school calendar and the opening and closing dates for the school year.
- The State should simplify the reporting requirements for school safety and discipline data to reduce the complexity of the reporting and to ensure the appropriate data is being reported by local school districts. One State agency should be designated for receiving and compiling school safety data to include data from safety audits and for providing technical assistance to school districts on reporting requirements.
- The present system of State waivers for school accreditation standards should be continued.
- Local school boards must maintain control over the establishment and operation of charter schools.
- Drug testing of students and school personnel should be a local option and not mandated by the State.
- Local school boards should retain the right to regulate the use of non-prescription drugs by students on school property.
- The State should not provide tax credits to parents of children enrolled in private schools or tax credits for donations to fund scholarships for the attendance of children at private schools.

- The Virginia High School League should modify its regulations to allow students enrolled in public schools whose small size prevents the practical establishment of athletic teams in certain sports to participate on the athletic teams of a larger public school in the school district based on the approval of the division superintendent of schools.

Governor's School Program - A total of 15 academic-year Governor's Schools now exist. It is imperative that the State continues to increase per pupil funding for the Governor's Schools at an annual rate of increase equivalent to the annual rate of increase in per pupil cost as computed for the State Standards of Quality.

WMT
IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION adopting and endorsing a Legislative Program for the City to be presented to the City's delegation to the 2005 Session of the General Assembly.

WHEREAS, the members of City Council are in a unique position to be aware of the legislative needs of this City and its people;

WHEREAS, previous Legislative Programs of the City have been responsible for improving the efficiency of local government and the quality of life for citizens of this City;

WHEREAS, Council is desirous of again adopting and endorsing a Legislative Program to be advocated by the Council and its representatives at the General Assembly; and

WHEREAS, the Legislative Committee of City Council has by report, dated November 15, 2004, recommended to Council a Legislative Program to be presented at the 2005 Session of the General Assembly;

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:

1. The Legislative Program transmitted by report of the Legislative Committee, dated November 15, 2004, is hereby adopted and endorsed by the Council as the City's official Legislative Program for the 2005 Session of the General Assembly.

2. The Clerk is directed to issue cordial invitations to the City's Senator and Delegates to the 2005 Session of the General Assembly to attend Council's meeting relating to legislative matters, to be held at 12:00 noon, on December 6, 2004.

ATTEST:

City Clerk.



Roanoke Neighborhood Advocates

Promoting the Development of World-Class Neighborhoods

Members:

Carl D. Cooper
Chair

Sandra B. Kelly
Vice-Chair

John Renick
Secretary

Shirley Bethel

Bob Caudle

John Griessmayer

Robin Murphy-Kelso

Richard Nichols

Althea L. Pilkington

Cheryl D. Ramsey

Dawn Vineyard

Krystle Waller

Earnest C. Wilson

November 8, 2004:

Dear Mayor Harris and Members of City Council:

At the June 16, 2003 meeting of the Roanoke City Council, Resolution No. 36397-061603 was adopted authorizing reconstitution of the Roanoke Neighborhood Partnership Steering Committee as the Roanoke Neighborhood Advocates. The measure provided that the Roanoke Neighborhood Advocates oversee the preparation of an annual State of the Neighborhoods report that meets the requirements of Action NH A10 and A11 of the City of Roanoke's *Vision 2001-2020* Comprehensive Plan.

With the concurrence of Council, the Roanoke Neighborhood Advocates 2004 State of the Neighborhoods report is attached for your considerations

Sincerely,

Bob Clement
Neighborhood Services Coordinator

ROANOKE NEIGHBORHOOD ADVOCATES

2003-2004 ANNUAL STATE OF NEIGHBORHOOD REPORT

For submission to Roanoke City Council at (date to be added)

The Roanoke Neighborhood Advocates committee is charged with overseeing preparation of an annual State of the Neighborhoods report to City Council. This report is designed to meet the requirements of Actions NH A10 and A11 of the City of Roanoke's Vision 2001-2020 Comprehensive Plan.

Action NH A10 directed the development of indicators for neighborhood health and sustainability. Action NH A11 called for the involvement of neighborhood organizations, civic groups and businesses in the development and implementation of neighborhood plans.

The RNA's role in these two directives has been to serve as a sounding board and oversight committee for the Housing and Neighborhood Services Office, which is charged with carrying out A10 and A11.

This report outlines that involvement and further reports on RNA's efforts to meet its goals throughout its first year.

NH A10 – Indicators for neighborhood health and sustainability

Mike Etienne, director of Housing and Neighborhood Services, worked with seniors in Virginia Tech's Department of Urban Affairs and Planning to create a preliminary handbook of indicators for Roanoke. The city planning staff has continued to work with Tech interns on the final of that plan, which is due to be completed in September. The preliminary version as presented to RNA outlined the following:

- That the report would focus on one neighborhood (Melrose-Rugby) selected as a pilot for the program
- That the project would focus on three indicator types, Social (1), Economic(2)and Environmental (3), further explained below:
 1. Social Indicators include Race/Diversity, Voter Turnout, Educational Attainment, Age Distribution, Crime, Home Ownership/Rentals, Housing Diversity and Affordability and Community Organizations
 2. Economic Indicators include Employment and Income Status of Residents, Needs for Property Revitalization, Zoning Mix and Balance, Property Values, Residential Access to Goods and Services
 3. Environmental Indicators include Parks, Greenway Network, Percent Tree Coverage, Solid Waste, Bike Lanes/Pedestrian Access, Road Network and Surface Water Quality

The RNA has asked that Housing and Neighborhood Services add one more indicator, Air Quality. While air quality cannot readily be measured neighborhood by neighborhood, the RNA believes that making it one of the indicators will keep everyone alert to the Roanoke Valley's vulnerability to air quality problems.

NH A11 – Involvement of community in implementation of neighborhood plans

Action NH A11 called for the involvement of neighborhood organizations, civic groups and businesses in the development and implementation of neighborhood plans. This task falls directly to the Housing and Neighborhood Services staff, but RNA considers its efforts to meet the eight goals given RNA by council have enhanced the involvement of community.

Roanoke City Council established the Roanoke Neighborhood Advocates committee (RNA) in August 2003 with the mission to advocate for the wishes, wants, needs and desires of Roanoke's neighborhoods and neighborhood organizations and ensure that the best interests of all Roanoke neighborhoods are effectively presented.

This report fulfills one of the goals established for RNA. The RNA, with the support and involvement of the Housing and Neighborhood Services Office, also has accomplished the following since its creation in August 2003:

- Developed by-laws, a structure for hearing advocacy requests from neighborhoods and a strategic business plan through regular monthly meetings and at least four additional working sessions. A half-day retreat to work on strategies for the upcoming year was held Aug. 21.
- Participated with Housing and Neighborhood staff to hold a grants information workshop for neighborhood groups
- Assigned the chair and vice-chair to participate as non-voting members of two of Roanoke's revitalization efforts, Gainsboro and Gilmer/NNEO.
- Received briefings from groups whose concerns overlap those of RNA, including the Roanoke Police Department, the Roanoke Library Foundation Board, the Zoning Department, and The Roanoke Valley Housing Authority.
- Reviewed neighborhood applications for CDBG and city grants and recommended grants of some \$57,000 to nine recipients (See Appendix A)
- Explained and promoted the RNA's mission through articles written for one neighborhood group's newsletter and through the Housing and Neighborhood Services newsletter; by attendance at a variety of neighborhood organizations' meetings and The Presidents Council meetings; through presentations before the Roanoke City Leadership Training Workshops and participation in the City Manager's Conversation on Youth Services Meeting and the Comprehensive City Library Study Steering Committee.
- Developed a list of existing neighborhood organizations broken down by structure and activity to enable us to focus where organizations need the most help (See Appendix B)

A continuing RNA challenge has been constructing a membership committed to the committee's mission. Council appointed seven RNA members and gave those seven the task of selecting six more members for a total Committee membership of 13. Because of illnesses and job changes, several of the original appointees have been unable to participate fully and several have left the committee.

With new appointees in place, including a Youth Member, which we believe strongly broadens the RNA's perspective on neighborhood issues, we consider ourselves more fully prepared for action in our second year of work. (See Appendix C)

Neighborhood Concerns

As part of gathering information and encouraging committee members' participation, the RNA assigned each member to serve as liaison to several neighborhood groups. Through this arrangement, the RNA was able to get sufficient feedback from the city's various quadrants to determine a pattern of concerns among neighborhoods.

The concerns fall into two categories: (1) how to build strong organizations that can encourage clear, frequent and open communication with city government, and (2) how to improve neighborhoods' livability.

Need to Communicate City's Goals to a Broader Base of Residents

Wherever RNA members have gone, they have been confronted with the perception that Roanoke residents do not get timely and sufficient information from government about long-range plans for the various city areas.

Most communication from the city to neighborhoods is done through the established neighborhood organizations. The problem is that until some organizations grow their memberships, they are not, in fact, fully representative of their neighborhoods.

It is incumbent upon the city and RNA as a committee appointed to help neighborhoods to find ways to give more residents opportunities to learn about the issues that affect their neighborhoods before those issues reach crisis proportion.

No matter how large the organization, all Roanoke neighborhood groups indicate a need for more active members and for younger members. Helping groups connect with residents in their areas is one of the goals of RNA. A small step toward that goal was adding an Introduction to RNA and area neighborhoods to the city's Welcome Resident packet.

Other challenges for RNA, Housing and Neighborhood Services and the city administration in general is helping some groups find the resources to prepare newsletters and do mailings.

Code Enforcement Chosen as First RNA Advocacy Effort

The second category of concern has to do with the day-to-day issues of neighborhoods. Highest among those concerns are:

- Traffic
- Trash Collection
- Code Enforcement
- Safety

In response to the neighborhood concerns, the RNA began receiving regular data on Requests for Service calls from citizens, Crime and Code Enforcement in an effort to determine where RNA needed to focus its energies. At its May meeting, the RNA selected Code Enforcement as its first advocacy effort.

The Code Enforcement Advocacy plan has the following components:

- Advocate and recommend that all citizens receive clear communication of timelines and processes involved with code enforcement;

- Publicize results and activities of code enforcement;
- Advocate for an assistant commonwealth attorney to be in court to represent the city neighborhoods on matters of code violations;
- Advocate for the creation of a Court Watch program run by citizens; and,
- Advocate for a better understanding by the presiding judges of code enforcement issues.

An initial step in this effort has been to request a monthly Code Compliance Clearance Report from the Housing and Neighborhood Services Office.

Thank you for the opportunity to participate in the RNA. We expect our second year to be even more active and our appearances before you more often as we update you on our efforts. We ask your support, too. We need you as residents of the city to tell your neighbors about the RNA and your neighborhood's groups. And we need you as decision makers to send us strong members to help us grow the neighborhood organizations.

We would like to thank the Housing and Neighborhood Services staff, especially Bob Clement, Neighborhood Specialist, for support and services during the past year.

Report prepared by:

Sandra Kelly, Vice Chair

John Renick, Secretary

John Griessmaye, Chairman of Grant Review Committee

Appendix A: Rank and Funding Recommendations for CDBG-eligible Grants

Total recommended funding: \$ 37,954

Rank	Neighborhood	Project Description	Amount Requested	Amount Recommended	Additional Requirements/ Comments
1	Loudon-Melrose	Property repair, lead paint removal, NUSA conference	\$17,000	\$17,000	All attendees to NUSA conference must be Roanoke City residents
2	Melrose-Rugby	Brochure/flyer distribution, stone wall and column repair, NUSA conference	9,109	9,109	All attendees to NUSA conference must be Roanoke City residents
3	Old Southwest	Gish House parking improvements, tree planting, period lighting in park	10,000	3,000	Recommended funding for parking improvements and tree planting only
4	Gainsborough Southwest	Newsletter production, signage, NUSA conference	4,928	3,228	Recommend removing 2004 NUSA conference funding because only 2005 funding is eligible; all attendees to NUSA conference must be Roanoke City residents
5	Fairland	NUSA conference	2,000	2,000	All attendees to NUSA conference must be Roanoke City residents
6	Washington Park	NUSA conference, neighborhood cleanup efforts	9,293	3,617	Recommend reducing conference fees, lodging and travel expenses to cover two attendees only

Appendix A: Rank and Funding Recommendations for Non-CDBG-eligible (City Fund) Grants
Total recommended funding: \$ 19,308

Rank	Neighborhood	Project Description	Amount Requested	Amount Recommended	Additional Requirements/ Comments
1	Greater Deyerle	Gateway traffic island, neighborhood signage	\$11,525	\$11,525	None
2	Ms. McCadden	Travel to NUSA board meetings	3,000	3,000	All attendees to NUSA conference must be Roanoke City residents
3	Preservation Foundation	Log meat-house restoration	4,783	4,783	None

Appendix B

Status of Known Neighborhood Organizations

Active and incorporated as 501C-3:

GAINSBOROUGH SOUTHWEST COMMUNITY ORGANIZATION (501C-3)

Meetings: Monthly

GREATER RALEIGH COURT CIVIC LEAGUE 1980

Meetings: Twice Quarterly

LOUDON-MELROSE NEIGHBORHOOD ORGANIZATION (501C-3)

Meetings: Monthly (x summer)

MELROSE-RUGBY NEIGHBORHOOD FORUM 1990 (501C-3)

Meetings: Monthly (x summer)

OLD SOUTHWEST, INC. 1981 (501C-3)

Meetings: Monthly

Active, but not incorporated:

AIRLEE COURT NEIGHBORHOOD WATCH ASSOCIATION 2001

Meetings: Monthly (x January)

EDGEWOOD-MORWANDA-SUMMIT HILLS NEIGHBORHOOD ORGANIZATION 1996

Meetings: Monthly

FAIRLAND CIVIC ORGANIZATION

Meetings: Monthly (x summer)

FRALIN PARK NEIGHBORHOOD ORGANIZATION

Meetings: Twice Quarterly

GAINSBORO NEIGHBORHOOD ALLIANCE

Meetings: Monthly

GARDEN CITY CIVIC LEAGUE 1984

Meetings: Twice Quarterly

GRANDIN COURT CIVIC LEAGUE 1993

Meetings: 7 p.m. Scheduled as needed

GREATER DEYERLE NEIGHBORHOOD ASSOCIATION 1987
Meetings: Quarterly

HURT PARK NEIGHBORHOOD ALLIANCE 1982
Meetings: Monthly

MILLER COURT NEIGHBORHOOD ALLIANCE 1999
Meetings: Monthly

NEIGHBORS IN SOUTH ROANOKE
Meetings: Quarterly

NORTHWEST NEIGHBORHOOD ENVIRONMENTAL ORGANIZATION 1981
Meetings: Monthly

NORWICH NEIGHBORHOOD ALLIANCE 1997
Meetings: Monthly

PETERS CREEK CIVIC LEAGUE
Meetings: Monthly

RIDGEWOOD PARK NEIGHBORHOOD LEAGUE 1993
Meetings: Quarterly

RIVERLAND ALERT NEIGHBORS 1987
Meetings: Twice Quarterly

SOUTHEAST ACTION FORUM, INC 1980
Meetings: Monthly

SOUTHERN HILLS NEIGHBORHOOD COUNCIL
Meetings: N/A

WASENA NEIGHBORHOOD FORUM 1986
Meetings: Monthly

WILDWOOD CIVIC LEAGUE 1980
Meetings: Monthly

WILLIAMSON ROAD ACTION FORUM 1980
Meetings: Monthly

WILMONT NEIGHBORHOOD PARTNERSHIP 2003
Meetings: Monthly

Not meeting regularly

GRAYSON AVENUE BEAUTIFICATION COUNCIL 1984

Meetings: N/A

HISTORIC GAINSBORO PRESERVATION DISTRICT INC.

Meetings: Unknown

HOLLINS ROAD NORTH CIVIC LEAGUE 1992

Meetings: N/A

MOUNTAIN VIEW NEIGHBORHOOD ALLIANCE 1999

Meetings: N/A

NORTHWEST NEIGHBORHOOD IMPROVEMENT COUNCIL 1981

Meetings: N/A

THIRLANE RD NEIGHBORHOOD ASSOCIATION 1988

Meetings: N/A

UPPER LOUDON AVENUE CRIME WATCH AND DEVELOPMENT COMMITTEE

Meetings: N/A

VILLA HEIGHTS CRIME PREVENTION ORGANIZATION 1980

Meetings: N/A

WASHINGTON PARK ALLIANCE FOR NEIGHBORHOODS 1997

Meetings: N/A

Source: Housing and Neighborhood Services

Appendix C ROANOKE NEIGHBORHOOD ADVOCATES MEMBERSHIP

Rev 11/01/04

Name/Address	Phone/E-mail	Appointment	Expiration
Carl Cooper, Chair 3601 Round Hill Ave, NW Roanoke, VA 24012	400-8232 (h) coopgroupe@hotmail.com	7/7/03	7/7/05
Sandra B. Kelly, Vice-Chair 1216 Sylvan Road, SE Roanoke, VA 24014	427-5029 (h) sandrakb@rev.net	7/7/03	7/7/06
John Renick, Secretary 436 Walnut Ave, SE Roanoke, VA 24014	427-1170 (h) jrenick@meridium.com	11/24/03	11/24/04
Shirley Bethel 1639 Rugby Blvd., NW Roanoke, VA 24017	344-9079 (h)	10/18/04	10/18/05
Bob R. Caudle 4231 Belford Street, SW Roanoke, VA 24018	989-4404 (w) Vmibob52@aol.com	7/7/03	7/7/06
John Griessmayer 1848 Maiden Lane, SW Roanoke, VA 24015	725-6906 (h) 343-7411 x17 (w) johnagriess@hotmail.com	11/24/03	11/24/06
Robin Murphy-Kelso 4449 Summit Drive, NW Roanoke, VA 24017	529-8579 (h) 853-2675 (w) GL264@aol.com	7/7/03	7/7/05
Richard Nichols 1620 Kirk Avenue, SE Roanoke, VA 24013	982-2845 (h) richanich05@aol.com	7/7/04	7/7/07
Althea L. Pilkington 2905 Courtland Road, NW Roanoke, VA 24012	265-9347 (h) 345-0451 (w) pilkington48@netzero.com	9/17/04	6/30/06
Cheryl D. Ramsey 1314 D Moorman Ave NW Roanoke, VA 24017	345-5491 (h) ramsey2k1@aol.com	1/20/04	1/20/06
Krystle Waller 504 Harrison Ave, NW Roanoke, VA 24016	343-8263 (h) khocolate2005@aol.com	6/21/04	6/21/07
Earnest C. Wilson 1520 Lonna Drive, NW Roanoke, VA 24019	562-3320 (h) ck7kf@allstate.com	9/24/04	9/24/07
Dawn Vineyard 4024 Griffin Road Roanoke, VA 24014	774-8754 (h) shnc02@yahoo.com	1/20/04	1/20/07



Kathy G. Stockburger, Chairman
Robert J. Sparrow, Vice Chairman
William H. Lindsey

Gloria P. Manns
Alvin L. Nash
Courtney A. Penn

7.c.
David B. Trinkle, M.D.
Doris N. Ennis, Acting Superintendent
Cindy H. Lee, Clerk of the Board

Roanoke
City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

November 15, 2004

The Honorable C. Nelson Harris, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its meeting on November 9, the Board respectfully requests City Council to approve the following appropriations:

- \$3,000,000.00 for the Patrick Henry High School Project. The additional 2005 Capital Bond Funds will provide for Patrick Henry High School Phase I construction costs plus Phase II architect and construction management fees.
- \$400,000.00 for the William Fleming High School Project. The 2005 Capital Bond Funds will provide for the William Fleming High School construction design phase.

Thank you for your approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mrs. Kathy G. Stockburger
Mrs. Doris N. Ennis
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy

Mrs. Darlene Burcham
Mr. William M. Hackworth
Mr. Jesse A. Hall
Mr. Paul Workman (with accounting details)

ROANOKE CITY SCHOOL BOARD

AGENDA ITEM SUMMARY

CONSENT AGENDA

APPROPRIATIONS/TRANSFERS

Meeting Date: November 9, 2004

Prepared by: Kenneth F. Mundy, Jr.

OVERVIEW: The following appropriation requests are submitted for the Board's approval and forwarding to City Council. The transfer requests are submitted for the Board's approval.

Appropriations:

- Patrick Henry High School Project - \$3,000,000.00
- William Fleming High School Project - \$400,000.00

Transfers:

- Transfer of Grant Funds - \$102,124.00
- Transfer of Capital Project Reserve to the Westside Renovation Project - \$10,000.00

RECOMMENDATION: The Board is requested to approve the appropriation requests for forwarding to City Council and to approve the transfers.

ROANOKE CITY SCHOOL BOARD
Roanoke, Virginia

APPROPRIATION REQUEST
Patrick Henry High School Project
6066

031-065-6066-6896-9138 Appropriation Unit XPH	2005 Bond Funds	<u>\$3,000,000</u>	100.00%
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The appropriation of an additional \$3 million in 2005 Capital Bond Funds will provide funds for Patrick Henry High School Phase I construction costs plus Phase II architect and construction management fees.

November 9, 2004

ROANOKE CITY SCHOOL BOARD
Roanoke, Virginia

APPROPRIATION REQUEST
William Fleming High School Project
6070

031-065-6070-6896-9138	2005 Bond Funds	<u>\$400,000</u>	100.00%
Appropriation Unit XWF			

The appropriation of 2005 Capital Bond Funds will provide funds for the William Fleming High School construction design phase.

November 9, 2004



CITY OF ROANOKE

DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

JESSE A. HALL

Director of Finance

email: jesse_hall@ci.roanoke.va.us

November 15, 2004

ANN H. SHAWVER

Deputy Director

email: ann_shawver@ci.roanoke.va.us

The Honorable C. Nelson Harris, Mayor
 The Honorable Beverly T. Fitzpatrick, Jr., Vice-Mayor
 The Honorable M. Rupert Cutler, Council Member
 The Honorable Alfred T. Dowe, Jr., Council Member
 The Honorable Sherman P. Lea, Council Member
 The Honorable Brenda L. McDaniel, Council Member
 The Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

As the result of official School Board action at its meeting on November 9, the Board respectfully requests City Council to approve the following appropriations:

- \$3,000,000 for the Patrick Henry High School Project. The additional 2005 General Obligation Bonds will provide for Patrick Henry High School Phase I construction costs plus Phase II architect and construction management fees.
- \$400,000 for the William Fleming High School Project. The 2005 General Obligation Bonds will provide for the William Fleming High School construction design phase.

We recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as outlined above.

Sincerely,

Jesse A. Hall
 Director of Finance

Attachment

JAH/prw

c: Darlene L. Burcham, City Manager
 William M. Hackworth, City Attorney
 Mary F. Parker, City Clerk
 Doris N. Ennis, Acting Superintendent of City Schools
 Sherman M. Stoval, Director of Management and Budget

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate 2004B General Obligation Bond Proceeds to the Patrick Henry and William Fleming High School construction projects, amending and reordaining certain sections of the 2004-2005 School Capital Projects Fund Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 School Capital Projects Fund Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

Appropriations

Appropriated From 2004B Bond Funds	031-065-6066-6896-9138	\$ 3,000,000
Appropriated From 2004B Bond Funds	031-065-6070-6896-9138	400,000
Schools	031-060-9707-6896-9182	(3,400,000)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Kathy G. Stockburger, Chairman
Robert J. Sparrow, Vice Chairman
William H. Lindsey

Gloria P. Manns
Alvin L. Nash
Courtney A. Penn

7.d.
David B. Trinkle, M.D.
Doris N. Ennis, Acting Superintendent
Cindy H. Lee, Clerk of the Board

Roanoke
City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

November 11, 2004

The Honorable C. Nelson Harris, Mayor
and Members of Roanoke City Council
Roanoke, VA 24011

Dear Members of Council:

The School Board at a special meeting on November 11, 2004, approved the enclosed Resolution to request Roanoke City Council issue General Obligation Qualified Zone Academy Bonds (QZAB) in an aggregate principal amount not to exceed \$1,600,000. The funds will be used to rehabilitate, repair, and/or equip Fallon Park Elementary School.

The QZAB initiative is a federal program that allows lending institutions and schools to form a mutually beneficial partnership to support education. The program offers bonds interest-free and allows a bank or other lending institution to purchase the special no-interest bond on behalf of a school. Schools qualify based on their percentage of free lunch students.

The School Board thanks you for your continued support of our students and programs.

Sincerely,

Cindy H. Lee, Clerk

Enclosure

Pc: Mrs. Kathy G. Stockburger, Chair
Mrs. Doris N. Ennis
Mr. Richard L. Kelley
Mr. Kenneth F. Mundy

Mrs. Darlene L. Burcham
Mr. William M. Hackworth
Mr. James D. Grisso



Kathy G. Stockburger, Chairman
Robert J. Sparrow, Vice Chairman
William H. Lindsey

Gloria P. Manns
Alvin L. Nash
Courtney A. Penn

David B. Trinkle, M.D.
Doris N. Ennis, Acting Superintendent
Cindy H. Lee, Clerk of the Board

Roanoke
City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

November 11, 2004

**RESOLUTION REQUESTING THE CITY COUNCIL
OF THE CITY OF ROANOKE, VIRGINIA
TO ISSUE GENERAL OBLIGATION QUALIFIED ZONE ACADEMY BONDS
FOR SCHOOL PURPOSES AND CONSENTING TO THE ISSUANCE THEREOF**

BE IT RESOLVED,

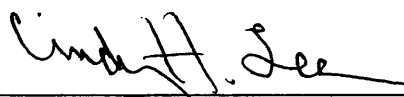
1) The School Board of the City of Roanoke, Virginia hereby (a) approves certain expenditures to repair, rehabilitate or equip Fallon Park Elementary School, including without limitation installation of heating, air conditioning and lighting, at an estimated cost not to exceed \$1,600,000 (the "Project"), (b) authorizes and approves the filing of an application to the Virginia Department of Education seeking an allocation of authority to issue general obligation qualified zone academy bonds pursuant to the Public Finance Act and Section 1397E of the Internal Revenue Code in an amount not to exceed \$1,600,000, (c) requests that the City Council of the City of Roanoke, Virginia, (the "City") authorize the City to issue its general obligation qualified zone academy bonds in an aggregate principal amount not to exceed \$1,600,000, (the "QZA Bonds") for the purpose of financing a portion of the cost of the Project, and (d) approves the issuance of the QZA Bonds by the City.

2) This resolution shall take effect immediately by the following recorded vote:

	<u>Yea</u>	<u>Nay</u>
Kathy G. Stockburger, Chairman	<u>✓</u>	<u>—</u>
Robert J. Sparrow, Vice-Chairman	<u>✓</u>	<u>—</u>
William H. Lindsey	<u>✓</u>	<u>—</u>
Gloria P. Manns	<u>✓</u>	<u>—</u>
Alvin L. Nash	<u>✓</u>	<u>—</u>
Courtney A. Penn	<u>✓</u>	<u>—</u>
David B. Trinkle	<u>✓</u>	<u>—</u>

The undersigned Clerk of the School Board of the City of Roanoke, Virginia hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the School Board held the __th day of November, 2004.

WITNESS, my signature and seal of the School Board of the City of Roanoke, Virginia, this 11th day of November, 2004.



Clerk, School Board of City of Roanoke, Virginia (SEAL)

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

RESOLUTION (i) authorizing the School Board for the City of Roanoke to repair, rehabilitate or equip Fallon Park Elementary School, including without limitation the installation of heating, air conditioning and lighting (the "Project"); and (ii) authorizing and directing the City Manager to file an application with the Virginia Department of Education seeking an allocation of authority to issue the City's general obligation qualified zone academy bonds in an amount not to exceed \$1,600,000 to finance the Project.

WHEREAS, the School Board (the "School Board") for the City of Roanoke of Roanoke, Virginia (the "City") has determined that it is necessary to undertake the Project and has requested the City to issue its general obligation qualified zone academy bonds in an amount not to exceed \$1,600,000 to finance the Project; and

WHEREAS, in order to finance the Project, the City reasonably expects to issue debt obligations; and

WHEREAS, the City intends to issue debt obligations for the Project as "qualified zone academy bonds" within the meaning of Section 1397E of the Internal Revenue Code (the "Code").

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The School Board is authorized to undertake the Project, and is authorized to expend out of the City's capital improvement fund up to \$1,600,000 for the cost of the Project.
2. In accordance with U.S. Treasury Regulations § 1.1397E-1(h) and § 1.150-2, it is hereby declared that the City reasonably expects to reimburse expenditures for the Project with proceeds of debt to be incurred by the City. The maximum principal amount of debt expected to be issued for the Project is \$1,600,000.
3. This is a declaration of official intent under U.S. Treasury Regulations § 1.1397E-1(h) and § 1.150-2.
4. The City Manager or an Assistant City Manager is hereby authorized and directed to file an application with the Virginia Department of Education seeking an allocation of authority to issue the City's general obligation qualified zone academy bonds pursuant to the Public Finance Act and Section 1397E of the Code in an amount not to exceed \$1,600,000 (the "QZA Bonds") to finance the cost of the Project.
5. The City Clerk is hereby authorized and directed to publish in accordance with applicable law a notice of public hearing in connection with the proposed QZA Bonds to be held on December 6, 2004.
6. This Resolution shall take effect immediately.

* * *

The undersigned Clerk of the City of Roanoke, Virginia, hereby certifies that the foregoing constitutes a true and correct extract from the minutes of a meeting of the City Council held on November 15, 2004, and of the whole thereof so far as applicable to the matters referred to in such extract. I hereby further certify that such meeting was a regularly scheduled meeting and that, during the consideration of the foregoing resolution, a quorum was present.

	Present	Absent	Aye	Nay	Abstain
C. Nelson Harris, Mayor	_____	_____	_____	_____	_____
Beverly T. Fitzpatrick, Jr., Vice Mayor	_____	_____	_____	_____	_____
M. Rupert Cutler	_____	_____	_____	_____	_____
Alfred T. Dowe, Jr.	_____	_____	_____	_____	_____
Sherman P. Lea	_____	_____	_____	_____	_____
Brenda L. McDaniel	_____	_____	_____	_____	_____
Brian J. Wishneff	_____	_____	_____	_____	_____

WITNESS MY HAND and the seal of the City of Roanoke, Virginia, this ____ day of November, 2004.

Clerk, City of Roanoke, Virginia

[SEAL]



Architectural Review Board
Board of Zoning Appeals
Planning Commission

CITY OF ROANOKE PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166
Roanoke, Virginia 24011
Telephone: (540) 853-1730 Fax: (540) 853-1230
E-mail: planning@ci.roanoke.va.us

November 15, 2004

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Jr., Vice Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council:

Subject: Request from Preston A. Waldrop, represented by Daniel F. Layman, Jr., attorney, that property located at 3830 Keagy Road, S.W., Official Tax No. 5130117, be rezoned from RS-1, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions proffered by the petitioner.

Planning Commission Action:

Planning Commission public hearing was held on Thursday, October 21, 2004. By a vote of 0-7, the motion to recommend the rezoning request failed.

Background:

The petitioner filed a request to conditionally rezone Tax Map No. 5130117 on September 2, 2004. The petitioner proffers the following conditions:

- a. The property will be used only for a medical office or medical clinic.
- b. The property will be developed substantially in accordance with the site plan attached to this petition as Exhibit C, subject to any changes required by the City of Roanoke during site development plan review.

- c. The building to be constructed on the property will be in substantial conformity with the elevations attached to this petition as Exhibits D and E.
- d. All exterior lighting in the parking area at the rear of the building will be recessed into the walls surrounding the parking area, and no source of light will be located above the top of the tallest section of the wall.

Considerations:

The surrounding land uses and zoning districts include:

- Single-family dwellings zoned RPUD, Residential Planned Unit Development to the west.
- Single-family dwellings zoned RS-1, Residential Single Family to the south fronting on Medmont Circle.
- A single-family dwelling zoned RS-1, Residential Single Family to the east.
- Lewis-Gale Hospital Complex to the north across Keagy Road, in the City of Salem.

The following actions and statements of *Vision 2001-2020*, the City's comprehensive plan are relevant to the consideration of this petition:

- Building location and design should be considered as important elements of the streetscape and should be used to define the street corridor as a public place. (p.95)
- Building height and location should create a feeling of enclosure along a street. Residential and commercial buildings should be located very close to streets with low vehicle speeds. (p.95)
- Off-street parking should be located at the side or rear of building.(p.93)
- Visual clutter and excessive lighting should be discouraged. Signs should be consolidated and attractively designed.(p.92)

The Greater Deyerle Neighborhood Plan was adopted in 1990 prior to the adoption of the *Vision 2001-2020* comprehensive plan's policies and actions. It does not contain a future land use plan; however it contains several relevant passages:

- Single-family zoning should be retained, especially on the interior of the neighborhood. (p.7)
- Many residential tracts on the perimeter of the neighborhood which front on these major roads are under pressure for commercial development.(p.7)

- Future expansion of the complex (Lewis Gale) has the potential to affect adjacent residential properties. (p.8)
- Traffic on Keagy Road should be minimized to maintain the residential nature of these streets and encourage safe transportation corridors. Maintain the existing commercial services located on the perimeter of the neighborhood.(p.21)

The subject parcel is 2.078 acres with a single-family house and a garage located on the property. Currently, the house sits approximately 300 feet back from Keagy Road with the garage behind. The petitioners will remove the house and garage. The proposed building will bring the development up to a setback of 30 feet. The parking lot will not extend past the location of the current house, which will limit activity to the front half of the property and separate the use from the surrounding residential dwellings on all sides of the subject parcel.

From Keagy Road, the slope of the land gradually rises to where the house is currently located and declines toward the rear property line. By placing the development oriented toward Keagy Road, the hill is a natural buffer between the proposed building on the subject parcel and dwellings on Medmont Circle. In addition, the development of the parcel will entail the petitioner removing the front part of the hillside to place the parking at a compatible grade with the building. The parking lot will be surrounded on the sides and to the back with a retaining wall. Staff's initial concern of light trespassing onto adjacent residential lots was adequately addressed by proffer (d) which ensures that the parking lot lighting will be recessed into the walls surrounding the parking area, and no source of light will be located above the top of the tallest section of the wall. The absence of freestanding light poles in the parking lot limits the possibility of glare being cast on the adjacent properties.

The petitioner proffers the use of a medical office/clinic. Physician offices in general are not intensive uses and are compatible in residential areas. These uses are characterized by Monday through Friday daytime hours and generally lower traffic generation for a commercial activity.

The City's Traffic Engineer, based on the Institute of Transportation Engineer's Trip Generation Manual (the accepted guide for determining expected traffic for a proposed development), calculated that 20 trips would be generated in the morning peak hour and 30 trips in the evening peak hour; any given day would generate 300 trips on average. Normally the City doesn't require traffic impact studies unless peak period trips are over 100 and more than a 1000 trips are generated per day. The projected volumes represent 30% of these thresholds.

In accordance with the Zoning Ordinance, the subject parcel has over two acres and can be considered for the creation of a separate commercial district. The proposed use of the medical office/clinic is consistent with like uses located across Keagy Road in the Lewis-Gale Hospital complex. The petitioner is proffering a site plan (Exhibit C) and elevations (Exhibit D and E) of the proposed development, which illustrate a one-story, 8,700 square-foot building with a brick façade.

The proposed development is consistent with *Vision 2001-2020* in several key ways. The building would have an orientation toward Keagy Road. The site plan limits parking to seven (7) additional spaces above the required amount. In addition, the use of landscaping islands with trees provides for canopy coverage of the parking lot and reduces the amount of impervious surfaces overall.

In accordance to 36.1-585(b) of the Zoning Ordinance, the petitioner will be responsible for providing a minimum 10-foot wide landscaped buffer screen along the east, west, and south property lines. The buffer will provide a minimum 6-foot tall, dense, year-round visual and noise obstruction on the sides and rear where the subject parcel abuts residentially-zoned properties. In addition, the site plan proffers dedicated open space of .92 acres in the back portion of the site. Staff believes this open space area along with the required buffer materials provide adequate screening between the proposed use and residential dwellings on Medmont Circle. There are many mature growth trees on the lot. Wherever possible, efforts should be taken by the petitioner to preserve these trees.

Planning Commission discussion centered on the following:

- Concerns over additional residential dwellings being rezoned to commercial uses along Keagy Road. Commissioners discussed the disadvantages of addressing commercial rezonings on a case-by-case basis as opposed to a comprehensive rezoning of multiple properties. There was an acknowledgement that the residents live with the uncertainty that another commercial rezoning petition will be filed any given month.
- Recognition that the proposed development incorporates quality design features that would be encouraged and welcomed in other locations in the city. In addition, Commissioners acknowledged the generally benign nature of the commercial activity proposed.
- The December, 2001 rezoning on the corner of Keagy Road and Route 419 to CN, Neighborhood Commercial and RPUD, Residential Planned Unit Development resulting in the construction of a Valley Bank and a patio-home development. A

verbal commitment was made to residents that the City would prevent further commercial encroachment down Keagy Road.

- An acknowledgement that this block of Keagy Road is a viable residential area. A concern was that many rezoning petitions deal with transitional areas between residential uses to commercial uses. In this case, residential zoning was appropriate because it was a stable residential area. In addition, the point was made that the doctor's office may not be a detriment to surrounding residential uses, but it was not necessarily a benefit either.
- The effect of the proposed development would have on the adjacent single-family residential house to the east. It was noted that the neighbor's house would be above the proposed parking lot, given the development requires removing a part of the hill to construct the parking lot. In addition, the required landscape buffer will be planted on top of the retaining wall.
- The compatibility of the proposed structure with surrounding structures. It was pointed out that the shape and bulk of the proposed development is incongruous with the remaining residential development found along this block of Keagy Road.

Ten citizens spoke to the petition:

- Mr. Paul Glassbrenner (5221 Medmont Circle) expressed concerns that a rezoning would encourage the Lewis-Gale Hospital to buy more properties on Keagy Road. He believes that the proposed development did not fit in with the neighborhood surroundings. He said that this rezoning would see additional requests for commercial zoning along Keagy Road, a decrease in their residential property values, and an increase in traffic.
- Mr. David Harrison (5305 Medmont Circle) found objections to staff's references to the Greater Deyerle Neighborhood Plan. He pointed out that a key action strategy listed in the neighborhood plan is to "maintain the existing residential character of the neighborhood". He stated that he thought that the development conflicted with patterns of development outlined in *Vision 2001-2020*. He also voiced a concern regarding potential noise generated from the proposed development's parking lot and heating and cooling system within close proximity to his home.
- Mr. Bob Caudle (4231 Belford Street) spoke in opposition to the petition. He stated he had helped write the Greater Deyerle Neighborhood Plan in 1990 and participated in the December, 2001 rezoning to work out the 50 foot strip of frontage of the patio-home development which separates the commercially zoned Valley Bank from the single-family homes along Keagy

Road. He felt that both the neighborhood plan and the rezoning do not support a new commercial endeavor along Keagy Road.

- Ms. Evelyn Wilson (3820 Keagy Road) stated that she was in opposition to the petition. She said that she lived next door to the property since 1959. She said she was concerned the development would impact her more than anyone else. She commented on the greenery on Keagy Road and that it provides privacy and creates a noise buffer.
- Mr. Tim Burton (5329 Medmont Circle) stated that his property has experience increased water problems over the last few years since the land was cleared for the patio homes on the adjacent Residential Planned Unit Development. Mr. Burton presented photographs showing the flooding that occurred as a result of recent rains. He was referred to staff to further discuss his issues as a result of the recent development.
- Mr. Greg Dunville (3718 Keagy Road) spoke in favor of the petition. He said he did not believe he lived in a rural community and believes the development will help more than it will hurt the residences on Keagy Road.
- Ms. Kathryn Glassbrenner (5221 Medmont Circle) spoke in opposition to the petition. She believes Mr. Dunville was in favor of the rezoning because it would make his property more valuable if he sold it. She questioned why petitions keep being filed and the City continues to accept them.
- Ms. Vickie Thomas (5406 Medmont Circle) spoke in opposition to the petition. She has been a real estate agent for 14 years and was concerned of the negative impact commercial development would have on residential property values in the neighborhood.
- Ms. Jennifer Pfister (4701 Norwood Street) addressed the committee as the President of the Greater Deyerle Neighborhood Association (GDNA). She presented a petition signed by 98 residents of the Greater Deyerle neighborhood opposing the proposed development. She mentioned she had talked with two residents who were in favor of the proposal. She stated that the intent of the Neighborhood Plan was to allow commercial development along 419, but for Keagy Road to remain residential. In addition, she reemphasized that with 12 new homes this area is still a viable residential area. She asked the Commission to vote against the petition.

Recommendation:

By a roll call vote of 0-7, the Commission recommended denial of the request.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert B. Manetta". To the right of the signature, the letters "RBT" are written in a smaller, stylized font.

Robert B. Manetta, Chairman
City Planning Commission

cc: Darlene L. Burcham, City Manager
Rolanda Russell, Assistant City Manager for Community
Development
William M. Hackworth, City Attorney
Steven J. Talevi, Assistant City Attorney
Daniel F. Layman, Jr., Attorney for the petitioner
Jennifer Pfister, President, Greater Deyerle NH Association

VIRGINIA:

IN THE COUNCIL OF THE CITY OF ROANOKE

In re: Rezoning of a Tract of Land)
Known as 3830 Keagy Road,)
SW, bearing City of Roanoke)
Official Tax No. 5130117, from)
RS-1, Residential Single-Family)
District, to C-2, General)
Commercial District)

PETITION OF
PRESTON A. WALDROP

TO THE HONORABLE MAYOR AND MEMBERS OF THE COUNCIL OF THE CITY OF
ROANOKE:

(1) Petitioner Preston A. Waldrop is the owner of a tract of land in the City of Roanoke located on the south side of Keagy Road, SW, near its intersection with Virginia Route 419, containing 2.078 acres, bearing City of Roanoke Official Tax No. 5130117 and known as 3830 Keagy Road, SW. A portion of City Appraisal Map Number 513 showing this parcel is attached to this petition as Exhibit A. Also attached, as Exhibit B, is a plat reflecting an October 2002 survey of the parcel, which shows the current configuration of and improvements located on the property.

(2) This lot is presently zoned RS-1, Residential Single-Family District.

(3) Pursuant to Section 36.1-690, Code of the City of Roanoke (1979), as amended, petitioner requests that the above-described parcel be rezoned from RS-1, Residential Single-Family District, to C-2, General Commercial District, for use as a medical office or clinic, subject to the conditions set forth in paragraph (6) below.

(4) The property is located essentially adjacent to a commercially-zoned parcel occupied by a new Valley Bank branch (though separated from that parcel by a narrow strip of land zoned RS-

1) and immediately across Keagy Road from Lewis-Gale Hospital. It slopes sharply uphill from Keagy Road, with the existing residence and approximately forty percent (40%) of the land area of the lot being located on top of a high ridge that roughly parallels Keagy Road.

(5) Petitioner believes that the most suitable use of the property, given its location across from the hospital and near the highly developed commercial area along Route 419, is for physicians' offices. The part of the lot adjacent to Keagy Road, where the proposed medical building would be located, is physically separated from the adjoining residential area by the ridge to the south while directly facing the south wall of the hospital building. The site of the medical building is therefore more naturally a part of the commercial area to its north and west than of the residential area to its south and east. Since the proposed office building and all driveway and parking areas would be situated below the level of the existing residence and thus below the crest of the ridge, the ridge would shield the adjoining residential areas from view of and activity on the property. Petitioner therefore believes that the requested zoning change will afford an opportunity for use of this lot in a manner more consistent with its highest and best use. A site plan showing the proposed configuration of the property and the planned improvements is attached to this petition as Exhibit C.

(6) Petitioner hereby proffers and agrees that if this property is rezoned as requested, the rezoning will be subject to, and petitioner will abide by, the following conditions:

(a) The property will be used only for a medical office or medical clinic.

(b) The property will be developed substantially in accordance with the site plan attached to this petition as Exhibit C, subject to any changes required by the City of Roanoke during site development plan review.

(c) The building to be constructed on the property will be in substantial conformity with the elevations attached to this petition as Exhibits D and E.

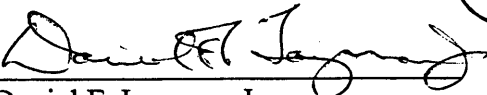
(d) All exterior lighting in the parking area at the rear of the building will be recessed into the walls surrounding the parking area, and no source of light will be located above the top of the tallest section of the wall.

(7) Attached to this petition as Exhibit F is a list of the names and addresses of the owners of all lots immediately adjacent to or across a street from the property to be rezoned, together with the Official Tax Number of each lot.

WHEREFORE, petitioner requests that the parcel bearing City of Roanoke Official Tax No. 5130117 be rezoned from RS-1 to C-2, with conditions, in accordance with the provisions of the Zoning Ordinance of the City of Roanoke.

Respectfully submitted by petitioner this 7 day of September, 2004.

PRESTON A. WALDROP



Daniel F. Layman, Jr.
Woods Rogers PLC
P. O. Box 14125
Roanoke, VA 24038-4125
Direct Dial Telephone: 983-7653

Of Counsel for the Petitioner



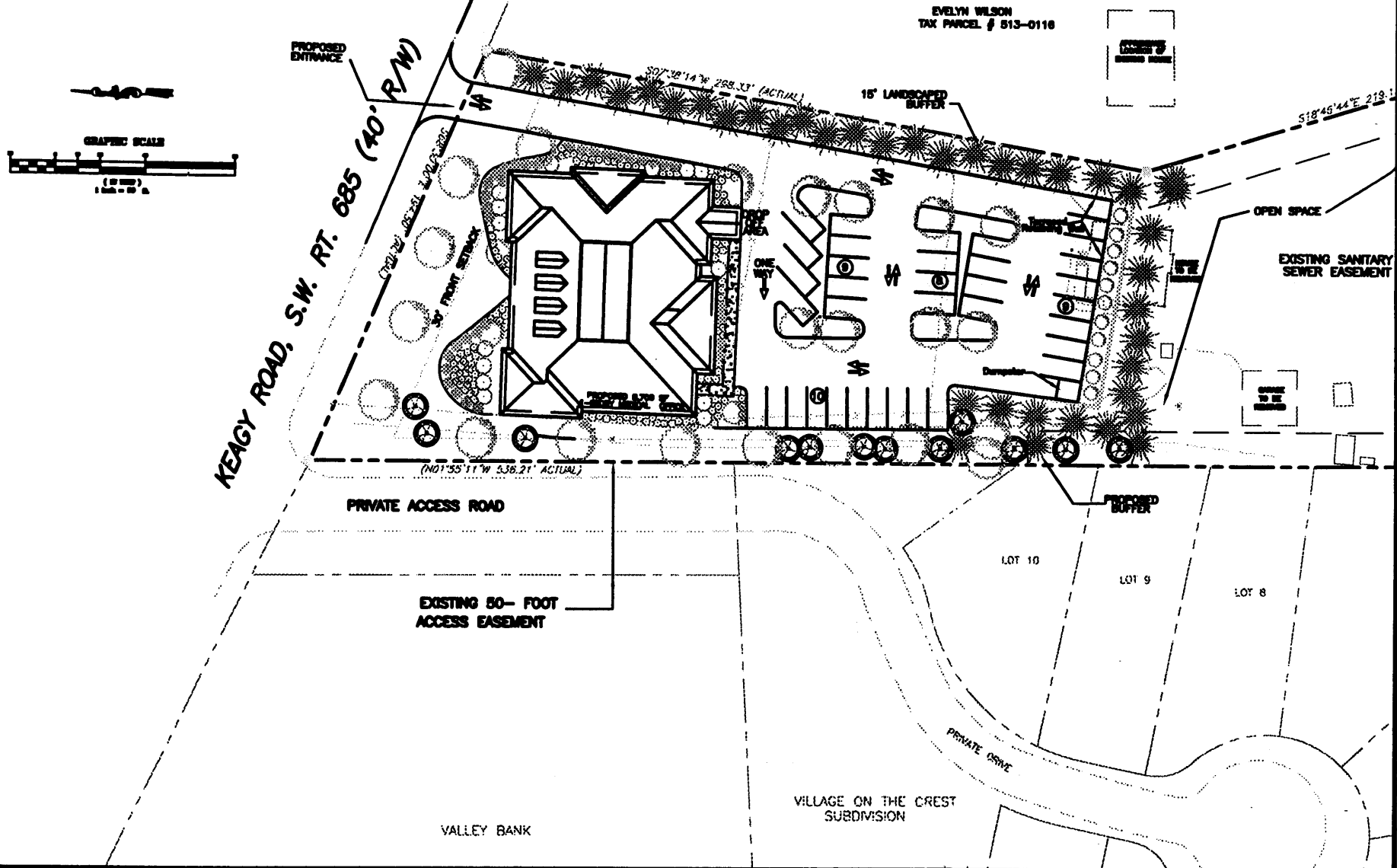
Exhibit A
page 2



SITE DATA

TAX MAP #: 513-0117
 TRACT SIZE: 2.08 AC.
 PROPOSED USE: MEDICAL OFFICE BUILDING
 BUILDING SIZE: 1-STORY / 8,700 SF
 PARKING REQUIRED: 29 SPACES
 PARKING PROVIDED: 36 SPACES

EXHIBIT "C"



BALZER

1288 Corporate Circle
 Roanoke, Virginia 24018
 Phone: 540/772-4550
 Fax: 540/772-4550

1401 Technology Park Drive
 Suite 200
 Roanoke, Virginia 24018
 Phone: 540/772-4550
 Fax: 540/772-4550

1401 Technology Park Drive
 Suite 200
 Roanoke, Virginia 24018
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EXHIBIT F

Petition of Preston A. Waldrop

Adjacent Property Owners

<u>Tax Number</u>	<u>Owner</u>
5130116	Evelyn H. Wilson 3820 Keagy Road, SW Roanoke, VA 24018
5130119	Heritage Builders Ltd of Roanoke 1804 Northwoods Lane Salem, VA 24153-7436
5130131	
5130132	
5130133	
5130134	
5130106	P.F. and Kathryn E. Glassbrenner 5221 Medmont Circle, SW Roanoke, VA 24018
5130105	David G. Harrison 5303 Medmont Circle, SW Roanoke, VA 24018
5130104	Beth F. Smith 5313 Medmont Circle, SW Roanoke, VA 24018
283-02-01 (Salem City)	Lewis-Gale Medical Center LLC P. O. Box 1504 Nashville, TN 37202-1504

EXHIBIT "D"



EXHIBIT "E"



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 513, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City, subject to certain conditions proffered by the applicant; and dispensing with the second reading by title of this ordinance.

WHEREAS, Preston A. Waldrop has made application to the Council of the City of Roanoke to have the hereinafter described property rezoned from RS-1, Residential Single Family District, to C-2, General Commercial District, subject to certain conditions proffered by the applicant;

WHEREAS, the City Planning Commission, which after giving proper notice to all concerned as required by §36.1-693, Code of the City of Roanoke (1979), as amended, and after conducting a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held by City Council on such application at its meeting on November 15, 2004, after due and timely notice thereof as required by §36.1-693, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were given an opportunity to be heard, both for and against the proposed rezoning; and

WHEREAS, this Council, after considering the aforesaid application, the recommendation made to the Council by the Planning Commission, the City's

Comprehensive Plan, and the matters presented at the public hearing, is of the opinion that the hereinafter described property should be rezoned as herein provided.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

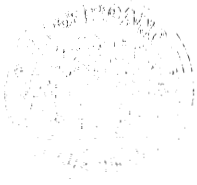
1. Section 36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 513 of the Sectional 1976 Zone Map, City of Roanoke, be amended in the following particular manner and no other:

That certain property located at 3830 Keagy Road, S.W., identified as Official Tax No. 5130117, and designated on Sheet No. 513 of the Sectional 1976 Zone Map, City of Roanoke, be, and is hereby rezoned from RS-1, Residential Single Family District, to C-2, General Commercial District, subject to the proffers contained in the Petition filed in the Office of the City Clerk on September 2, 2004, and that Sheet No. 513 of the 1976 Zone Map be changed in this respect.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



CITY OF ROANOKE OFFICE OF THE CITY MANAGER

Noel C. Taylor Municipal Building
215 Church Avenue, S.W., Room 364
Roanoke, Virginia 24011-1591
Telephone: (540) 853-2333
Fax: (540) 853-1138
CityWeb: www.roanokegov.com

November 15, 2004

Honorable C. Nelson Harris, Mayor
Honorable Beverly T. Fitzpatrick, Vice-Mayor
Honorable M. Rupert Cutler, Council Member
Honorable Alfred T. Dowe, Jr., Council Member
Honorable Sherman P. Lea, Council Member
Honorable Brenda L. McDaniel, Council Member
Honorable Brian J. Wishneff, Council Member

Dear Mayor Harris and Members of City Council

Subject: Funding for Technology Needs

Background:

The Information Technology Committee (ITC) has completed its review of technology projects and equipment needs throughout the organization and has developed a list of recommendations designed to meet the goals of the Information Technology Strategic Plan. Attachment 1 provides supporting detail and cost information for each of these needs. All items will be purchased in accordance with the requirements as set forth in Chapter 23.1, Procurement, of the Code of the City of Roanoke, as amended.

The Department of Technology's internal service fund currently has retained earnings available for appropriation in the amount of \$ 416,270 that can be allocated for technology needs. Additional funding in the amount of \$ 300,000 is available from the following sources:

- School Fund – Year 2 of 5 (total funding commitment of \$ 150,000 \$1.5 million for Financial Application Systems Project, this represents a second installment of \$150,000 for Year 2).
- Current Year Capital Maintenance and Equipment Replacement Program
\$ 150,000

Mayor Harris and Members of City Council
November 15, 2004
Page 2

Total \$ 300,000

The total of all funding sources available for appropriation is \$ 716,270

Recommended Action:

City Council adopt the attached budget ordinance to appropriate funding to new or existing project accounts to be established by the Director of Finance to support strategic technology needs and enhancements.

Respectfully submitted,



Darlene L. Burcham
City Manager

Attachment

DLB:je

c: Mary F. Parker, City Clerk
William M. Hackworth, City Attorney
Jesse A. Hall, Director of Finance
George C. Snead, Assistant City Manager
Sherman M. Stovall, Director of Management and Budget
David Hoback, Chairman, Information Technology Committee
John Elie, Director, Department of Technology

CM04-00189

Attachment 1 – Technology Council Report

2004 Technology Funding Recommendations

Technology Project	Funding
Enterprise Reporting Study	20,000
Technology Training	25,000
800 MHz Radio System – Conventional Repeaters	57,000
MOSCAD Alarm Reporting	27,500
Enterprise Infrastructure upgrades	50,000
PC Replacement Program	156,000
Work Order System (additional funding for phase I hardware)	20,000
Fleet Mgmt Mechanic Training – Diagnosis of Equipment/Vehicles	10,500
Police – Vehicle Take Home Program (Mobile equipment, radios)	113,000
Library: wireless Internet connectivity	10,900
Library: Virginia Room & Main Library computer equipment	10,300
Police: Mobile Computer Replacement Program	21,000
Social Services: Lotus Notes licenses	12,290
Contingency – miscellaneous technology services	32,780
Enterprise Financial Application (additional funding from Schools)	150,000
TOTAL:	716,270

AHS

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding to various technology projects, amending and reordaining certain sections of the 2004-2005 General and Department of Technology Funds Appropriations, and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2004-2005 General and Department of Technology Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

General Fund

Appropriations

Transfer to Department of Technology Fund	001-250-9310-9513	\$ 150,000
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Fund Balance

Reserved for CMERP - City	001-3323	(150,000)
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Department of Technology Fund

Appropriations

Appropriated from General Revenue	013-430-9866-9003	52,780
Appropriated from General Revenue	013-430-9850-9003	25,000
Appropriated from General Revenue	013-430-9896-9003	57,000
Appropriated from General Revenue	013-430-9897-9003	27,500
Appropriated from General Revenue	013-430-9854-9003	50,000
Appropriated from General Revenue	013-430-9845-9003	156,000
Appropriated from General Revenue	013-430-9888-9003	20,000
Appropriated from General Revenue	013-430-9894-9003	10,500
Appropriated from General Revenue	013-430-9885-9003	134,000
Appropriated from General Revenue	013-430-9883-9003	10,900
Appropriated from General Revenue	013-430-9898-9003	10,300
Appropriated from General Revenue	013-430-9890-9003	12,290
Appropriated from General Revenue	013-430-9865-9003	150,000

Revenues

Transfer from General Fund	013-110-1234-1037	150,000
Transfer from School Fund	013-110-1234-1127	150,000

Retained Earnings

Retained Earnings Available for Appropriation	013-3348	(416,270)
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Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.